

Missouri Department of Elementary and Secondary Education
Division of Special Education

Program Monitoring Manual



Updated September 2009

TABLE OF CONTENTS

Introduction

1. General Supervision
2. Missouri School Improvement Program (MSIP)
 - a. History of MSIP
 - b. Five (5) year review cycle
3. How Does Special Education Monitoring Fit into the Missouri School Improvement Program?

Annual Monitoring Processes

1. Data Reviews
2. Disproportionality Reviews and Reporting
3. Significant Disproportionality Reviews and Reporting
4. Discipline Reviews
5. Coordinated Early Intervening Services (CEIS) Reviews and Reporting
 - a. Monitoring process for LEAs that report EIS
 - b. Federal Guidance
6. Determinations
7. Public Reporting
 - a. Annual District Performance Profiles
 - b. Special Education Advisory Panel Reports

Cyclical Monitoring Process

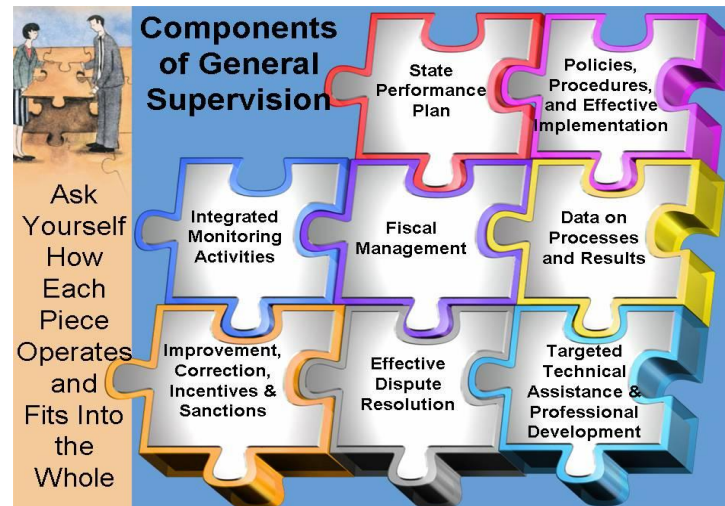
1. General Monitoring Procedures
 - a. Cyclical Monitoring Activities
 - b. Improvement Planning
 - c. Self-Assessment and Desk Review
 - d. The Identification of Noncompliance
 - e. Corrective Action Planning
 - f. Monitoring Timeline Chart
2. Special School Districts
 - a. Demographics
 - b. General Monitoring of Special School Districts
 - c. Monitoring of Components That Provide ECSE Services
 - d. Basis for Compliance
 - e. Structure of Compliance
3. Charter Schools
 - a. Service Requirement
 - b. Monitoring Process
 - c. Charter School Schedule for Monitoring

4. State Board Operated Programs
 - a. Missouri School for the Deaf (MSD)
 - b. Missouri School for the Blind (MSB)
 - c. Missouri Schools for the Severely Disabled (MSSD)
 - d. Monitoring Process
5. Other State Agencies
 - a. Department of Corrections (DOC)
 - b. Department of Youth Services (DYS)
 - c. Department of Mental Health (DMH)
 - d. Monitoring Process
6. On-site Monitoring Procedures
 - a. District Selection Process
 - b. On-site Monitoring Manual

INTRODUCTION

General Supervision

Each state has a responsibility, under federal statute and regulations, to have a system of general supervision that monitors the implementation of the Individuals With Disabilities Education Act (IDEA) by local education agencies (LEAs). The system should be accountable for enforcing the requirements and for ensuring continuous improvement. The General Supervision System in Missouri is comprised of the eight components illustrated in the puzzle graphic below and is the responsibility of the Division of Special Education. Although each piece of the puzzle represents a separate component, these components connect, interact, and articulate to form a comprehensive system.



Components of General Supervision

State Performance Plan

The State Performance Plan (SPP) serves as an accountability mechanism for states and LEAs (<http://www.dese.mo.gov/divspeced/SPPpage.html>). Each of the SPP indicators provides a measureable indication of a state's performance in specific statutory priority areas under Part B- Free Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE), Disproportionality, and Effective General Supervision, including Child Find and Effective Transitions. Whether the indicators are related to student results or compliance or timely and accurate data, the entire SPP is designed with the purpose of ultimately improving outcomes for students with disabilities. Within the SPP, measurable and rigorous targets are established with broad stakeholder input and specify the challenging levels of improved performance to be reached within a particular timeframe. Annual state performance on the SPP is reported through the Annual Performance Report (APR) (<http://www.dese.mo.gov/divspeced/SPPpage.html>).

Policies, Procedures, and Effective Implementation

States must have policies, procedures, and effective implementation of practices that are aligned with and support the implementation of IDEA, and must establish an effective method for ensuring that LEAs follow these policies, procedures, and implement effective practices. In order to ensure that LEAs meet this requirement, they are required to submit assurance statements with their local application for funds and the State, through its integrated monitoring procedures, examines LEAs' use of effective practices. Additionally, the following documents are critical for LEAs to be familiar with to ensure appropriate provision of services to children with disabilities:

- Federal regulations
- State regulations

- Compliance Standards & Indicators
- Local Compliance Plan
- Local Board Policies

Effective Dispute Resolutions

The timely resolution of complaints, mediations, and due process actions is required for compliant dispute resolutions. Effective dispute resolution data enables the State to track the issues identified to determine whether patterns or trends exist. Additionally, through the tracking of the issues over time, it is possible for the State to evaluate the resolutions' effectiveness and determine whether resolution was maintained in future situations.

Data on Processes and Results

As part of Missouri's general supervision responsibilities, a chain of events occurs when data are used for decision-making about program management and improvement. These events include: a) collection and verification, b) examination and analysis, c) reporting of data, d) status determination, and e) improvement. Data is collected and the submitter is requested to verify the accuracy of this data. Then the data is examined and analyzed to identify patterns and trends as well as identify connections between indicators. Data is then reported according to federal regulatory requirements. Data on the performance of each LEA on the SPP indicators is used to make determinations of the status of each LEA. Based on Missouri's criteria, LEAs are categorized as meets requirements, needs assistance, needs intervention, or need substantial intervention. Through Missouri's improvement activities noted in the SPP and from examination of LEA performance, data are used for program improvement as well as progress measurement.

Integrated Monitoring Activities

IDEA 2004 emphasizes that monitoring activities should focus primarily on two things (1) improving educational results and functional outcomes for all children with disabilities; and (2) ensuring compliance with Part B, with particular emphasis on those

requirements that are most closely related to improving educational results for children with disabilities. Multiple data sources and methods are used to monitor every district, every year. The data is reviewed and publicly reported each year and certain SPP indicators require a review of data for all districts each year with subsequent reviews for districts that fail to meet the state's criteria. Monitoring reviews may be conducted on-site or off-site, and focused monitoring on-site activities are geared toward identifying areas in which there can be improved performance as well as correcting noncompliance, as appropriate.

Targeted Technical Assistance

Technical assistance is directly linked to the SPP indicators and to the improvement activities. Districts with identified non-compliance and with areas of performance in need of improvement are offered targeted technical assistance and Professional Development from the Department and their local RPDC. There are a number of tools that the Department and the Regional Professional Developmental Centers (RPDCs) have developed and are in the process of developing to assist districts.

Improvement, Correction, Incentives, and Sanctions

The enforcement of regulations, policies, and procedures is required by IDEA and state regulations. Corrective action plans to address noncompliance and improvement plans to meet state and local targets are examples of these types of actions.

Fiscal Accountability

Missouri's system of general supervision includes mechanisms to provide oversight in the distribution and use of IDEA funds at the state and local level. Procedures are in place to ensure that fiscal resources are directed to areas needing improvement as noted in the APR. Supervision of fiscal activities also includes a review of required corrective actions as a result of monitoring activities.

Missouri School Improvement Program (MSIP)

The Missouri State Board of Education first established standards for the classification and accreditation of Missouri's school districts in 1950. Since that time, the standards have been reviewed several times and revised periodically to reflect changing conditions in Missouri schools, as well as the changing demands and expectations of citizens and school patrons.

The Missouri School Improvement Program (MSIP) is the state's general school accreditation program. MSIP reviews and makes recommendations for accreditation of the 523 public school districts plus three state board operated school programs (Missouri School for the Blind [MSB], Missouri School for the Deaf [MSD], and Missouri Schools for the Severely Disabled [MSSD]) and the Division of Youth Services (DYS) in Missouri. These reviews are conducted within a five-year review cycle, (see Appendix A – MSIP Cycle chart and Appendix B – 2010-2011 Monitoring Agency List). School district reviews are conducted each year for approximately twenty percent (20%) of the 523 districts, and reports covering the areas of resource, process and performance are developed. These reports are reviewed by a Department School Improvement Quality Review Committee (SIQRC) and a summary of each report and the committee's recommendations regarding accreditation for each district are presented to the State Board of Education for its approval. Each district also submits a School Improvement Plan which addresses the concerns identified in the review report and may request a re-review in order to improve its accreditation rating.

How Does Special Education Monitoring Fit into the Missouri School Improvement Program?

It is the responsibility of the Division of Special Education within the Missouri Department of Elementary and Secondary Education to ensure that the requirements of Part B of the Individuals with Disabilities Education Act (IDEA) are implemented by public agencies. To achieve this, each public agency in the State is subject to a cyclical monitoring of compliance with the IDEA which typically occurs within the same year as the district's MSIP review. This cyclical monitoring also applies to districts with MSIP waivers. In addition to monitoring the 523 local school programs (which includes two Special School Districts (SSD of St. Louis County and SSD of Pemiscot County)), MSB, MSD, MSSD, and DYS in conjunction with the MSIP, the Division of Special Education also monitors 32 charter schools, the Department of Mental Health (DMH), and the Department of Corrections (DOC). These agencies are not included in the general MSIP review process, but are placed in the five year monitoring cycle by the Division of Special Education.

In the fall prior to the scheduled MSIP review year public agencies participate in self assessment and improvement planning training. Most activities that are required of districts by the Division of Special Education are based on the State Performance Plan (SPP) indicators and whether the district met threshold levels related to the targets established in the SPP. If a district did not meet a performance target, the district is required to develop and submit an improvement plan that addresses the indicator(s) not met. Additionally districts are required to submit student files for review of compliance indicators related to the performance area(s) not met. Submitted student files are reviewed by compliance staff. A corrective action plan will be issued for any agency in which there is a determination of pervasive noncompliance. This noncompliance must be corrected within twelve months from date of notification. Additionally file reviews may reveal individual student noncompliance which must be corrected as soon as possible, but no longer than three months from the date of notification. These activities occur between November and March of the year preceding the MSIP review.

ANNUAL MONITORING PROCESS

Data Reviews

The Division reviews data throughout the year. The table below indicates when data are shared with Division staff as well as RPDC staff. Division staff reviews state, RPDC and district-level data by enrollment size groups and/or by RPDC region. District-level data are used for a variety of purposes including: district selection for targeted technical assistance through RPDC staff, selection for on-site reviews, selection for work with technical assistance centers, selection for participation in various initiatives, selection for annual disproportionality and discipline reviews, etc.

Data Collection/Report	Due Date	Federal Report Due Date	Date data by district is shared w/ RPDC consultants
Child Count/Educational Environments (SPP Ind 5)	December 15	618: Feb 1 APR: Feb 1	March
Exit Data (SPP Ind 1 & 2 -Graduation & Dropout Rates)	July 15	618: Nov 1 APR: Feb 1	September
MAP / AYP (SPP Ind 3)	NA	618: Feb 1 APR: Feb 1	September
Parent AQ (SPP Ind 8)	NA	APR: Feb 1	September
Initial Evaluations (SPP Ind 11)	May	APR: Feb 1	October
Part C to Part B Transition (SPP Ind 12)	May	APR: Feb 1	October
Secondary Transition Plans (SPP Ind 13)	May	APR: Feb 1	October
Discipline (SPP Ind 4)	July 15	618: Nov 1 APR: Feb 1	October
Disproportionality	December 15	APR: Feb 1	March
Profiles (RPDC compilation)	NA	NA	October & January

Disproportionate Representation

Missouri's definition of Disproportionate Representation (selection criteria)

As a function of special education monitoring, states are to identify school districts with data showing “disproportionate representation” in the area of identification and then monitor those school districts focusing on that area to ensure eligibility determinations for special education are proper. States determine the criteria to identify districts as having disproportionate representation.

The United States Department of Education, Office of Special Education Programs (OSEP) requires each state to analyze data for **all disabilities** and for each of the following specific disability categories individually: **learning disabilities, autism, speech/language, emotional disturbance, mental retardation, and other health impairments**. This data is analyzed across all racial/ethnic categories for both under representation and overrepresentation of students receiving special education and related services. Beginning in 2007-2008, the method used to identify districts with disproportionate representation employs a risk ratio. The risk ratio, when applied to a disability category, answers the question, “What is a specific racial/ethnic group’s risk of receiving special education and related services for a particular disability as compared to the risk for all other students?”

Based upon data for the seven categories listed above, districts are identified as having disproportionate representation if a risk ratio of at least 2.5 or greater (overrepresentation) or less than .25 (under representation) is obtained for two consecutive years. Before selecting districts for a comprehensive disproportionality review, districts are requested to review and verify the data submitted to the Division of Special Education (DSE) to ensure it is correct.

Disproportionate Representation Review Process

Beginning with districts that were identified during the 2006-2007 school year and reviewed during the 2007-2008 school year, the first year a district is identified as having disproportionate representation, the district is subject to a *full review* similar to a basic compliance file review to determine whether the district's disproportionate representation is or is not the result of inappropriate identification. If the district was identified in the previous year as having disproportionate representation and participated in this file process review to determine if eligibility determinations for special education were proper and the findings of this review revealed no inappropriate identification, the district will not be required to participate in another review the following year. If the district is identified the year following a fifth consecutive year or any lapse occurs regarding identification within this five year period, the district is again subject to the full review process.

If a district is not required to participate in an additional file review during the current year, the district is encouraged to consider the following resources.

- Technical assistance from your Regional Professional Development Center Improvement Special Education Consultant is available to aid in developing strategies to increase instructional effectiveness for all students.
- A self assessment tool from the National Center for Culturally Responsive Educational Systems (NCCRESt) that allows schools to conduct a self-assessment of their programs and practices in five domains: (a) School Governance, Organization, Policy and Climate, (b) Family Involvement, (c) Curriculum, (d) Organization of Learning, and (e) Special Education Referral Process and Programs is available at <http://www.nccrest.org/publications/tools/assessment.html>.
- The Department of Elementary and Secondary Education has made available numerous resources to improve instructional effectiveness through the use of tiered intervention models that may be accessed at <http://dese.mo.gov/3tieredmodels/>. While accessing these resources is not a requirement, districts identified as having

disproportionate representation are encouraged to use these resources for the purpose of enhancing instructional effectiveness in order to increase student achievement thereby assisting the district in discontinuing its follow-up status.

Review Process

Step 1. - The following questions, concerning policies, practices, and procedures relating to referral, evaluation, and identification for special education should be sent to attention Disproportionate Representation Supervisor, Missouri Department of Elementary and Secondary Education, Division of Special Education, P.O. Box 480, Jefferson City, MO 65102.

- Describe changes that have been made to the district's policies, practices, or procedures to address the disproportionate identification of minority students with disabilities?
- Describe the process for review and analysis of district data related to disproportionate representation. Describe the finding of this data analysis and how this information is shared with district staff.
- Check the types of academic and behavioral models that are used with students prior to referral for special education. Then describe any current and plans for future efforts regarding these models or list other interventions.
 - _____ PBS
 - _____ RtI
 - _____ Reading First
 - _____ Other
- List all recent and any future related professional development opportunities for staff related to the prevention of inappropriate referral and identification of special education students.

Step 2. The district selects the following types of student files for submission of specific documentation to the DSE for review:

- [number] files of [identified racial/ethnic group] students identified as [category of disability identified]
- [number] files of students of races other than the above racial/ethnic identified group as [category of disability identified]

It is preferable that files are from initial evaluations conducted by your district; however, if there are not five, you may also include transfer files. In all cases (in-district or transfer), the files selected must reflect students whose initial referrals for special education evaluation were on or after [date].

Regarding transfer files, it is acceptable to send files of [identified racial/ethnic group] students who were evaluated and identified outside your district. However, you are encouraged to send a proportionate number of the same types of student files for races other than the above racial/ethnic identified group as well. For example, if submitting four files of black students evaluated and identified within the district and one transfer file for a total of 5 black student files identified as emotionally disturbed, then also try to send 4 files of students evaluated and identified within the district and 1 transfer file of a race other than black as well. If there are not five files for [identified racial/ethnic group] students and five files for races other than [identified racial/ethnic group], then send as many as are available.

Step 3. Specific information to be submitted from the selected student files includes all information related to the student's referral, evaluation and identification but not the student's IEP. This includes all referral information (including provision of Procedural Safeguards), review of existing data, Notice of Action/Consent for initial evaluation, meeting notifications for the eligibility staffing, and the evaluation report. If you are sending documentation for a transfer student who was not initially evaluated by your district, you will need to send the evaluation report used to establish eligibility in your district, documentation of your district's review and acceptance/rejection of the previous district's evaluation report, and, if your district conducted its own evaluation to determine eligibility, send documentation of the review of existing data and meeting notification for the eligibility staffing. In addition, for all students selected, please complete and submit the Demographic Information Cover Sheet that is given immediately following these steps.

Step 4. Selected student file documentation should be faxed to the attention of the Disproportionate Representation Supervisor, Missouri Department of Elementary and Secondary Education, Division of Special Education, P.O. Box 480, Jefferson City, MO 65102.

Step 5. The student information submitted is reviewed by a supervisor in the DSE Compliance Section. A comparison of compliance findings from that review related to identification of [identified racial/ethnic group] students as compared to races other than the identified group is used to determine if the district's over identification is the result of inappropriate identification. Additionally, any non-compliance identified for either group, not specifically related to inappropriate identification of [identified racial/ethnic group] students, will also be noted. In either case, if non-compliance is identified, a corrective action plan will be required.

Step 6. Targeted technical assistance will be available through the Regional Professional Development Center Compliance Consultants to districts that are required to have corrective action plans.

Demographic Information Cover Sheet

Disproportionality Review

Current School Year

This form must be completed for each student file.

District Name: _____ County/District Code: _____

Student Information
MOSIS: _____
First Name: _____ Last Name: _____
DOB: _____ Age: _____
Race
<input type="checkbox"/> Asian
<input type="checkbox"/> Black
<input type="checkbox"/> Hispanic
<input type="checkbox"/> Indian
<input type="checkbox"/> White
Disability Category
<input type="checkbox"/> Autism
<input type="checkbox"/> Deaf/Blind
<input type="checkbox"/> Emotional Disturbance
<input type="checkbox"/> Hearing Impairment/Deafness
<input type="checkbox"/> Mental Retardation/Intellectual Disability
<input type="checkbox"/> Multiple Disabilities
<input type="checkbox"/> Orthopedic Impairment
<input type="checkbox"/> Other Health Impairments
<input type="checkbox"/> Specific Learning Disability
<input type="checkbox"/> Speech and/or Language Impairment
<input type="checkbox"/> Sound System Disorder
<input type="checkbox"/> Speech/Fluency

<input type="checkbox"/> Speech/Voice
<input type="checkbox"/> Traumatic Brain Injury
<input type="checkbox"/> Vision Impairment/Blindness
<input type="checkbox"/> Young Child with Developmental Delay
Transfer
Is this student a transfer? <input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, what type of transfer? <input type="checkbox"/> In State Transfer <input type="checkbox"/> Out of State Transfer
Documentation received at enrollment:
<input type="checkbox"/> No evaluation report and no IEP received at enrollment
<input type="checkbox"/> Evaluation report received – no IEP received at enrollment
<input type="checkbox"/> IEP received – no evaluation report received at enrollment
<input type="checkbox"/> Evaluation report and IEP received at enrollment

Disproportionate Representation Process Timelines:

SUGGESTED DATE OF ACTION	ACTION
February 1	District Identification for disproportionate representation Initial identification and notification to verify data letter sent by February 28
March 1-15	DESE reviews data verification information
March 15	Based upon data verification results, DESE confirms initial identification--send letter to disproportionate representation districts
October 1	Letter explaining file review process sent to first year districts identified as having disproportionate representation or significant disproportionality
October 12- December 31	File reviews of districts (IMACS or send in hard copy of file) (complete by December 31)
January 15	Finalize reports, forward to Director, Compliance for approval
February 1	Final reports to districts
----- February 1	----- New identification process begins again

Significant Disproportionality

The State must have in effect, consistent with the purposes of 34 CFR Part 300 and with section 618(d) of the Act, policies and procedures designed to prevent the inappropriate over identification or disproportionate representation by race and ethnicity of children as children with disabilities, including children with disabilities with a particular impairment described in 34 CFR 300.8 of the IDEA regulations. [34 CFR 300.173] [20 U.S.C. 1412(a)(24)]

Each State that receives assistance under Part B of the Act, and the Secretary of the Interior, must provide for the collection and examination of data to determine if significant disproportionality based on race and ethnicity is occurring in the State and the local educational agencies (LEAs) of the State with respect to:

- The identification of children as children with disabilities, including the identification of children as children with disabilities in accordance with a particular impairment described in section 602(3) of the Act;

- The placement in particular educational settings of these children; and

- The incidence, duration, and type of disciplinary actions, including suspensions and expulsions.

[34 CFR 300.646(a)] [20 U.S.C. 1418(d)(1)]

In the case of a determination of significant disproportionality with respect to the identification of children as children with disabilities, or the placement in particular educational settings of these children, in accordance with §300.646(a) of the IDEA regulations, the State must:

- Provide for the review and, if appropriate revision of the policies, procedures, and practices used in the identification or placement to ensure that the policies, procedures, and practices comply with the requirements of the Act.

Require any LEA identified under §300.646(a) of IDEA to reserve the maximum amount of funds under section 613(f) of the Act to provide comprehensive coordinated early intervening services to serve children in the LEA, particularly, but not exclusively, children in those groups that were significantly over identified under §300.646(a) of the IDEA regulations; and

Require the LEA to publicly report on the revision of policies, practices, and procedures described under §300.646(b)(1) of the IDEA regulations.

Missouri's definition of significant disproportionality (selection criteria):

AREA	DATA EXAMINED	CRITERIA
Identification	All special education	3 consecutive yrs of risk ratio > 3.5 cell size of at least 30 for both the racial/ethnic/disability group being examined and the comparison group
Identification in Specific Disability Categories	6 disability categories (Autism, ED, LD, MR, OHI, Speech/Language)	Same as above
Placement	placements (inside regular 40-79%, inside regular < 40%, separate school placements)	Same as above
Discipline (Criteria for significant disproportionality for discipline by race)	Ratio of discipline rates for students with disabilities to the discipline rates for nondisabled students by each racial/ethnic category.	Across districts with more than 5 discipline incidents, a mean and standard deviation of the ratios is calculated for each racial/ethnic category. If a district has a ratio greater than the mean plus one standard deviation AND an average number of incidents per 100 students greater than 2.0 and 1.0 for students with disabilities and nondisabled students, respectively, for three years in a row, they would be considered to have significant disproportionality for that racial/ethnic category.

Significant Disproportionality Review Process:

The Department of Elementary and Secondary Education contracts the significant disproportionality reviews to be conducted with a specific vendor. This vendor is responsible for coordinating the district reviews of policies, practices, and procedures that impact eligibility determinations and placement decisions. The vendor also serves as the contact point for districts undergoing review.

The district review process for significant disproportionality consists of the following steps:

Step 1. The district is required to complete a District Self-Assessment using the National Center for Culturally Responsive Educational Systems' (NCCRESt) Equity in Special Education Placement tools (Form A and B) available at <http://www.nccrest.org/publications/tools/assessment.html>. The required District Self-Assessment tool must be returned to the Assistant Commissioner of Special Education, P. O. Box 480, Jefferson City, Missouri 65102 by [date].

Step 2. Through a contract with the Department of Elementary and Secondary Education, a specified contractor conducts the on-site review of the policies, procedures, and practices in your district that impact eligibility determinations and placement decisions. The contractor uses the District Self-Assessment tools, along with other methodologies (focus groups, interviews) to complete the review of each district's policies, procedures, and/or practices.

Step 3. The contractor uses all informational sources, including the National Center for Culturally Responsive Educational Systems' (NCCRESt) Equity Rubric <http://www.nccrest.org/publications/tools.html> to develop a final report for the district. The "District Findings and Report" summarizes the group's findings and recommendations regarding any policy, practice, or procedure that the district has in place that might be contributing to inappropriate identification and or inappropriate placement of students in racial or ethnic groups in special education. District reports are completed and submitted to Division of Special Education by the independent contractor.

Step 4. DSE, Compliance Section staff reviews each “District Findings and Report” and determines compliance with IDEA. The State Education Agency has the final decision regarding the district’s compliance and orders corrective action plans when necessary. An additional condition of any issued Corrective Action Plan or Improvement Plan is a requirement to districts to send in documentation of any revisions made to existing policies, procedures, and practices and provide evidence of how the district has publicly reported these revisions.

Step 5. Districts identified as having significant disproportionality of racial and ethnic students in special education due to inappropriate identification are required to use fifteen percent (15%) of their total IDEA funds to address their respective disproportionality issues through early intervening services as allowed under the Individuals with Disabilities Education Act (IDEA) 2004.

Step 6. Targeted technical assistance is available to districts who are required to have corrective action plans through the Regional Professional Development Center Special Education Consultants.

****Districts identified as having significant disproportionality may not take advantage of the allowable 50% reduction of Maintenance of Effort. For more information about adjustments, see § 300.205.**

Significant Disproportionality Review Process Timeline:

SUGGESTED DATE OF ACTION	ACTION
February 1-March 15	Request significant disproportionality data analysis from Data Coordination Director by specified Compliance staff member Data Coordination staff collect and analyze data by obtaining data from MOSIS and apply the State’s significant disproportionality criteria (as described above) List of potential districts as having significant disproportionality are identified (not officially identified until district has verified data)

SUGGESTED DATE OF ACTION	ACTION
	<p>Disproportionality workgroup examine the data, criteria analysis, and review the districts potentially identified as having significant disproportionality. Workgroup consists of specific Division of Special Education (DSE) staff from Compliance, Data, Effective Practices sections, and the Coordinator of Services. A list of potential districts is identified.</p> <p>Identification letter sent to districts to notify of potential significant disproportionality status and request district verification of data submitted by a specified date (approximately 3 weeks from this DSE notification letter)</p>
March 15-30	DESE reviews data verification information received from districts. It is assumed the data submitted is correct for any district that does not respond to the DSE's request for verification.
March 30-April 15	Based upon data verification results, specified Compliance staff member confirms initial identification list with Data Coordination Director. This Compliance staff member sends letter to identified districts confirming identification of significant disproportionality, informing of the requirement to reserve 15% of IDEA federal funds for Coordinated Early Intervening Services, as well as how this affects the district's maintenance of effort, and informing of the required review of practices, policies, and procedures. The review process is explained in detail within this letter. The Funds Management section is copied on this letter.
April 15-May 31	The district is required to complete a District Self-Assessment using the National Center for Culturally Responsive Educational Systems' (NCCRESt) Equity in Special Education Placement tools (Form A and B) available at http://www.nccrest.org/publications/tools/assessment.html . The required District Self-Assessment tool must be returned to the Assistant Commissioner for Special Education, P. O. Box 480, Jefferson City, Missouri 65102 no later than May 31st.
June 1-August 1	Independent contractor will be selected to conduct reviews.
September 15-December 15	The independent contractor schedules and conducts on-site reviews of districts' policies, procedures, and practices and sends draft reports to DESE.
December 15-January 15	DESE review of final reports issued by independent contractor.
January 15-January 30	Final reports issued to districts.

Discipline

Discipline Review Process (including section procedures):

The reauthorization of IDEA in 2004 required states to develop and submit a State Performance Plan (SPP) on December 2, 2005.

One SPP performance indicator requires states to conduct an annual review of suspension/expulsion data and to report the percent of districts with significant discrepancies in the suspension and expulsion rates of students with disabilities for greater than 10 days in a school year.

To meet the requirements of the SPP, the Division of Special Education (DSE) calculates the rates of discipline incidents for students with disabilities and nondisabled students using district-reported data on Screen 09 of Core Data. For the purpose of this analysis, discipline incidents include any incident resulting in out of school suspension for more than 10 days as well as multiple short sessions summing to more than 10 days. Multiple short sessions are counted as a single incident. For each district with at least five discipline incidents for students with disabilities, the following ratio is calculated:

- Discipline Incident Rate for Students with Disabilities (Number of incidents for students with disabilities / special education child count) to
- Discipline Incident Rate for nondisabled Students (Number of incidents for nondisabled students / (enrollment – child count))

Across districts, a mean and standard deviation of the ratios are calculated. If a district has a ratio greater than the mean plus one standard deviation AND an average number of incidents per 100 students greater than 2.0 and 1.0 for students with disabilities and nondisabled students, respectively, for two years in a row, they would be considered to have significant disproportionality for that racial/ethnic category.

Using this method, the DSE analyzes all districts in the state during the fall. The district is identified through the analysis described above as having a significant discrepancy for the discipline rates for students with disabilities when compared with the rate for all students. A request is made to districts to verify that the data reported on Screen 09 over the specified school years is accurate and complete.

Upon verification of data, the DSE conducts a review of district's policies, procedures, and practices that are used in suspensions and expulsions of students with disabilities for greater than 10 days in a school year. The district review includes interviews with staff regarding the implementation of policies and practices, a student file review, and a collection and review of the district's policies and procedures that impact suspension and expulsion rates.

The entire process will consist of the following steps.

Step 1: After verification of data is complete, the Team Leader for this review, a DSE staff person, contacts the district to determine dates for the onsite review. The Team Leader may request discipline policies, student handbooks and/or other items for review prior to the onsite visit, and also discusses the student file review, interview process and expectations for staff participation.

Step 2: A two-person review team visits district for one day. The onsite review primarily consists of interviews and a file review. Following the review, the team develops a report of findings.

Step 3: DESE staff, in conjunction with the review team, determine the need for corrective action plans where noncompliance is identified and/or improvement plans where there is need for improvement in processes and practices. The DESE makes the final decision regarding the appropriateness of the district's policies, procedures and practices and requires corrective action plans and/or improvement plans, as necessary.

Step 4: Targeted technical assistance is available through the RPDC Consultants to districts who are required to have corrective action plans and/or improvement plans.

Discipline Review Report Format:

Summary Report: Suspension/Expulsion Review

District Name:

County District Code:

Review Date:

[short descriptive paragraph indicating the schools reviewed, number of student files reviewed at each school, file selection based upon identification criteria, and description of who and where district staff interviews were conducted]

Compliance Indicators:

Short-term Suspensions		
Indicator	Yes/No	Explanation
300.20 - School personnel may consider any unique circumstances on case-by-case basis when determining whether a change of placement, consistent with other requirements of this section, is appropriate for a child with a disability: 300.20.a. - Date on which the decision was made regarding the extent to which the services, if any, were required on the 11th school day and thereafter and the location in which the services, if any, would be provided 300.20.b. - Listing of the participants in the decision 300.20.c. - Results of the decision		
Long-term Suspensions/Expulsions (Disciplinary Change of Placement)		
300.30 - Child removed in excess of ten day 300.30.a. - Documentation is present that the child was removed in excess of ten (10) school days cumulatively or has been subjected to a series of removals that exceed ten (10) school days cumulatively and school personnel		

<p>have determined that those removals constitute a pattern of suspension.</p> <p>300.30.b. - Documentation is present that within ten (10) school days after any decision to change the placement of a child with a disability because of a violation of a code of student conduct, a manifestation determination was conducted.</p>		
<p>300.40 - Documentation is present that the local educational agency, the parent, and relevant members of the IEP team (as determined by the parent and the LEA):</p> <p>300.40.a - Reviewed all relevant information in the student's file, including:</p> <p>300.40.a.(1) - The child's IEP</p> <p>300.40.a.(2) - Any teacher observation</p> <p>300.40.a.(3) - Relevant information provided by the parents</p> <p>300.40 - Documentation is present that the local educational agency, the parent, and relevant members of the IEP team (as determined by the parent and the LEA) made a determination of the following:</p> <p>300.40.b. - Whether the conduct in question was a manifestation of the child's disability;</p> <p>OR</p> <p>300.40.c. - Whether the conduct in question was the direct result of the LEA's failure to implement the IEP.</p>		
<p>300.50 - Documentation is present that the local educational agency, the parent, and the relevant members of the IEP team (as determined by the parent and the LEA):</p> <p>300.50.a - Found the conduct in question was not a manifestation of the child's disability:</p> <p>AND</p> <p>300.50.b. - The conduct in question was not the direct result of the LEA's failure to implement the IEP.</p> <p>Documentation is present that the IEP team:</p> <p>300.50.c. - Determined services that would enable the child to:</p> <p>300.50.c.(1) - Continue to receive educational services to continue to participate in the general education curriculum, although in another setting.</p> <p>300.50.c.(2) - Progress toward meeting goals is set out in the IEP.</p> <p>300.50.c.(3) - Receive, as appropriate, a functional behavioral assessment (FBA) and behavior intervention services and modifications, that are designed to address the behavior violation so that it does not recur.</p> <p>300.50.d. - Determined placement.</p> <p>300.50.e. - Provided the parent with Prior Written Notice for change of placement.</p>		
<p>300.60 - Documentation is present that the local educational agency, the parent, and relevant members of the IEP team:</p>		

<p>300.60.a. - Found the conduct in question was a manifestation of the disability</p> <p>OR</p> <p>300.60.b. - The conduct in question was the direct result of the LEA's failure to implement the IEP.</p> <p>Documentation is present that the IEP team:</p> <p>300.60.c. - Conducted a Functional Behavioral Assessment (FBA), unless the LEA had conducted a FBA assessment before the behavior that resulted in the change of placement occurred</p> <p>AND</p> <p>300.60.d. - Implemented a Behavioral Intervention Plan (BIP) or if a BIP already has been developed, reviewed the BIP and modified it as necessary to address the behavior.</p> <p>Documentation is present that the:</p> <p>300.60.e. - Agency returned the child to the placement from which the child was removed,</p> <p>OR</p> <p>300.60.f. - The parent and the LEA agreed to a change of placement as part of the modifications to the Behavior Intervention Plan (BIP).</p>		
--	--	--

Additional Information Gathered During the Review:

- Are discipline procedures in place?
- Are alternatives to out of school suspension (OSS) available and being used?
- Are behavior goals, positive behavioral interventions, and supports considered and addressed by the IEP teams?
- What professional development have district staff participated in regarding classroom management, discipline, behavior management, and implementation of BIPs?
- What supports and resources are provided by the district to address behavior needs?

Summary of Findings

Compliance:

Observations about district discipline policies, practices, and procedures that may impact compliance and district data in this area:

Improvement Plan:

Corrective Action Plan (CAP) for Suspension/Expulsion Review:

All non-compliance must be corrected within 12 months from the date of the district's monitoring report.

- Develop corrective action activities/strategies to address each indicator (related indicators are listed separately in report), indicating timelines for each activity.
- Within 30 days from the date of the report, districts must enter a plan for correction of identified noncompliance into the Improvement, Monitoring, Accountability, and Compliance System (IMACS).
- Upon receipt of this CAP document, DESE will review all activities and issue CAP activity approval. If additional CAP information is required, DESE will contact the district. All CAP communication will be through the IMACS.
- Upon approval of this CAP, district shall continue to work toward correction of noncompliance.
- Once an activity has been completed, completion date is entered into the appropriate field in the IMACS.
- Once the required evidence of correction becomes available, the district submits the evidence to DESE. The date of submission is entered into the appropriate field in the IMACS.
- Based on evidence of correction, DESE approves each indicator for compliance.
- Once all non-compliance is corrected, the district is issued a final report notifying the district of the "All Clear" compliance status.

Discipline Review Process Timeline:

COMPLETION DATE	ACTION
August 1	Request discipline data run from Data Coordinator
August 15	Letter of notification to district(s) requesting verification of data and explanation of review process
August 15-September 15	Receive data verification information
September 15	Letter of notification for change in status if verification results yield no identification
September 30	DESE reviews analysis of identified district(s) data to determine specifics of onsite visit
October 15	Schedule on-site reviews
October-December 15	Actual on-site reviews
January 31	Finalize reports, forward to Director, Compliance for approval
February 28	Final reports to districts

Coordinated Early Intervening Services (CEIS)

CEIS are services provided to students in kindergarten through grade 12 (with a particular emphasis on students in kindergarten through grade three) who are **not currently identified as needing special education or related services**, but who need additional academic and behavioral supports to succeed in a general education environment.

Permissible Activities for CEIS

The Individuals with Disabilities Education Act (IDEA) (U.S.C. §1413 (f)(2)) and its regulations 34 CFR §300.226(b)) identify the activities that a Local Education Agency (LEA) may carry out in implementing coordinated, early intervening services:

Professional development (which may be provided by entities other than local educational agencies) for teachers and other school staff to enable such personnel to deliver scientifically-based academic instruction and behavioral interventions, including scientifically-based literacy instruction, and, where appropriate, instruction on the use of adaptive and instructional software; and

Providing educational and behavioral evaluations, services, and supports, including scientifically-based literacy instruction. For example, a LEA might use EIS to provide behavioral interventions to nondisabled students who receive a certain number of disciplinary office referrals, perhaps as part of a Positive Behavioral Supports (PBS) initiative. CEIS might also be used to help fund reading or math specialists to work with nondisabled students who have not reached grade-level proficiency in those subjects, or to fund after-school tutoring for nondisabled students who score below “basic” on statewide assessments.

For more information regarding the use of CEIS funds, see our website at:
<http://dese.mo.gov/divspeced/Compliance/documents/EISDistrictGuidedoc.pdf>

Monitoring process for LEAs that report CEIS

The Funds Management section will query all districts that reported the use of CEIS funds on their ePeGS Part B Final Expenditure Report (FER) and forward the information to the CEIS review committee.

Districts must submit CEIS Reporting Verification Sheet no later than August 31 to the DESE, Division of Special Education. The CEIS Reporting Sheet collects the following information:

- The date the CEIS activity occurred.
- The description of the CEIS activity that occurred.
- The cost of the CEIS activity.
- The titles of all participants that attended the activity (i.e. 4th Grade Reading Teacher)
- The number of Special Education Students served by the CEIS activity (this number should be zero as CEIS is for students without an IEP)
- The funding sources to verify that districts aren't supplanting CEIS funds.
- The group(s) benefiting from the CEIS activity.

The CEIS review committee will consist of a staff member from Compliance, Funds Management, Effective Practices, and Data Coordination. The CEIS review committee will evaluate district data for the following requirements:

- Verify that the professional development provided to teachers and other school staff that enable such personnel to deliver scientifically based academic and behavioral interventions, including scientifically based literacy instructions, and, where appropriate, instruction on the use of adaptive and instructional software was appropriate under CEIS.
- Verify that the educational and behavioral evaluations, services, and supports, including scientifically based literacy instruction being provided was appropriate under CEIS.
- The CEIS expenditure did not exceed the total allowed CEIS allocation.
- Students receiving CEIS services were not identified as special education students.
- Funds for CEIS activities supplemented and not supplanted ESEA activities.
- The LEA did not exclusively use CEIS funds for groups significantly over identified.

Upon review of district documentation, the CEIS review committee will inform districts of review findings. If findings conclude misuse of funds, the district will be required to return these funds.

Federal Guidance

The U. S. Department of Education, Office of Special Education Programs (OSEP), has posted several resources that might be of assistance to LEAs in implementing CEIS including a topic brief, a video clip, questions and answers, and a professional development module.

To view this information, go to: <http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CTopicalArea%2C8%2C> If this link does not work, go to: <http://idea.ed.gov/explore/home> and click on Early Intervening Services on the left side. In addition, OSEP has provided a guidance document on CEIS. We encourage districts to read it, as there are many requirements that must be followed for the use of these funds and many scenarios that districts must be familiar with to ensure that the use of these monies is permitted.

To view the document, go to: <http://spp-apr-calendar.rrfcnetwork.org/getfile/view/id/494>.

Determinations

The State of Missouri makes determinations for all local school districts annually. These determinations are based on criteria required by OSEP and any additional criteria the State determines appropriate. Data from districts' performance on these criteria are reviewed annually in early summer, and the determinations are made and letters sent to districts by June 30. Districts receive a numeric score (1 – 4) for each of the criteria (see Appendix C – Determination Criteria), and these are averaged for a total score. (In some instances unique agencies receive a Not Applicable (NA) in areas that are not relevant to them. Some examples are:

- The “N” number is too small to fairly calculate the public agency's score;
- The public agency is a K-8 school district and does not have graduates.)

The total score falls into one of four determination categories:

- Meets Requirements
- Needs Assistance
- Needs Intervention
- Needs Substantial Intervention

If a district receives the level “Meets Requirements,” no enforcement action is taken. When the level is “Needs Assistance,” DESE notifies those districts of available resources and advises them that if they continue to be classified in this category or lower a second year, the district could be subject to one or more of the enforcement options outlined in the State Regulations implementing Part B of IDEA. These enforcement options are described in the letters the districts receive (see Appendix D – Sample Determination Letter).

Districts falling into the “Needs Intervention” or “Needs Substantial Intervention” categories are required to address the Indicators not met through their District Accountability Plan, and progressive sanctions, as specified in the State Regulations, may be initiated.

Public Reporting

Annual State and District Performance Profiles

Special Education State and District Profiles are produced annually by the Division. The Profiles serve as Missouri's public report of district data compared to SPP targets. The first page of the Profile is a summary of district performance by SPP Indicator (including Met/Not Met calls), and the remainder of the Profile is detailed supporting data and calculations.

Preliminary versions of the Profiles are made available to districts for review in September/October, with the final version posted on DESE's public website in December each year. The public reports are available at http://www.dese.mo.gov/schooldata/school_data.html. The Profiles are accessed by selecting the district name and clicking Load Profile. The Special Education Profile for that district is the 4th link in the "Summary Reports" box.

Special Education Advisory Panel Reports

The Special Education Advisory Panel produces a report each year and submits to the Commissioner of DESE. The annual report is a summary of panel activities and recommendations during the reporting period. The report includes a summary by SPP indicator of state performance compared to the target for that year. Reports are available at <http://www.dese.mo.gov/divspeced/Administration/AdvisoryPanel/94142reports.html>.

CYCLICAL MONITORING PROCESS

General Monitoring Procedures

The cyclical monitoring process begins during the year prior to a public agency's scheduled MSIP review. This is also true for districts with MSIP waivers. For agencies that do not participate in the MSIP review process, the DESE Special Education staff schedules a cyclical monitoring that ensures that these schools participate in a full monitoring at least every five (5) years. The self assessment consists of four main activities:

The district conducts Improvement Planning and submits an Improvement Plan to DESE, if required, based on district data.

The district conducts a File Review. Some review items are triggered by district data and other items are completed by all districts.

The district submits related file review documents to DESE.

The district submits a data report that includes initial evaluation timelines and Part C to B transition timelines.

Cyclical Monitoring

- **Training** – In the year prior to the public agency's MSIP review, the Special Education staff conduct trainings for the self-assessment process. (October-November)
- **Self-Assessment**
 - a. **Improvement Planning** – The public agency develops/updates its improvement plan. The process includes assembling an improvement planning team, drilling down district data, prioritizing needed areas of improvement, and writing the improvement plan. The improvement plans are submitted the first working day of March.

- b. **File Review** – The public agency conducts a self-assessment of its student files. The process includes deciding which files the district will review and completing the indicator checklist in IMACS for each file selected. The self-assessment file review is to be submitted to DESE the first working day of March.
- c. **Initial Evaluation and Part C to B Evaluation Timelines** – The public agency submits evaluation timelines through the IMACS system. The chart below identifies the type of information included in the timeline collection for all children referred between July 1 and April 30 of the current year. The timeline information must be submitted to DESE by May 15.

Initial Evaluation Timeline	Part C to B Timelines
Student's Initials Date of Parental Consent to Evaluate Date of Eligibility Student Eligible? Eligibility Determined within 60 Days? If not within 60 days, reason for the delay.	Student's Initials Date of Birth Date of Referral Parental Consent Received Date of Eligibility Date of IEP IEP in place by 3rd birthday? If not in place by 3 rd birthday, reason for the delay.

- **Verification of File Review Submission** – After the file review submission in March, the DESE Compliance Supervisors review the public agency's self-assessment. The supervisors contact the public agency with the list of student files to be submitted for desk review verification.
- **Verification of Timeline Submission** – After the timeline submission in May, the DESE Compliance Supervisors review and verify the public agency's timeline information.

- **Issuance of Reports** – When the desk review is complete, typically the end of August, the public agency is issued a Special Education Monitoring Report. This report outlines the findings of the self-assessment, desk-review verification, and the timeline verification. If applicable, a corrective action plan is included with this report.
- **Corrective Action Plan** – After the public agency receives the Special Education Monitoring Report, the agency must develop strategies and timelines for correcting any noncompliance identified through the monitoring review. This information is entered into IMACS and must be submitted no later than 30 days from the date of the report.
- **Evidence of Correction** – Public agencies must show evidence of correction for each indicator where non-compliance was identified within 12 months from the date of the Special Education Monitoring Report. This documentation showing evidence of correction may be submitted to DESE any time during the 12 months. If evidence of correction is not submitted to DESE within 12 months from the date of the report, enforcement actions may be imposed. For more information regarding types of enforcement actions, see the State Plan for Special Education, Section VI (http://www.dese.mo.gov/schoollaw/rulesregs/Inc_By_Ref_Mat/documents/FinalRegulationVIDESEResponsibilities4-07.pdf).

Improvement Plans

RPDC Consultants and DESE staff review all district Improvement Plans. DESE staff provide feedback on the Improvement Plan, and if it is not written at an "acceptable" level based on a review using the scoring guide at <http://www.dese.mo.gov/divspeced/EffectivePractices/documents/2010-2011ScoringGuide.pdf> or see Appendix E, the district has one opportunity to make changes and re-submit the plan to DESE. Results of the file review and Improvement Plan review is included in the public agency's MSIP Report (Differentiated Instruction Section 7.1.)

Self-Assessment

Self-assessment and the IMACS system:

The Improvement Monitoring, Accountability, and Compliance System (IMACS) is used for the management of the monitoring system. The IMACS provides information to each responsible public agency regarding what SPP indicators require completion of an

Improvement plan and file review. IMACS is the system into which the district enters the File Review and required Data on Timelines. The district may also use IMACS to provide documentation for the verification reviews conducted by DESE. If a Corrective Action Plan is necessary, it is completed and submitted through IMACS. The system also summarizes results of individual file reviews and provides an avenue for communication between the local education agency and DESE.

Conducting the file review:

General information:

When making compliance calls, it is important to read the entire indicator and refer to the Standards and Indicators Manual, in order to be sure the compliance call is made correctly. Do not rely only on the brief checklist summary language.

Select files from the current and prior school year.

Transition indicators apply only to files for students age 16+ unless the box for transition on the demographic screen in IMACS has been selected for that student.

Do not review files of students that were found ineligible.

Files should be selected randomly and should include:

A cross section of the agency's buildings

A variety of disabilities

A variety of placements.

A variety of ages and grades, including ECSE if applicable.

Some SPP indicators will trigger a checklist for discipline documentation for students. If you have files that include discipline documentation, please include at least one of those students in your file review selection.

Numbers of files to select:

Each public agency's file selection is individualized based on the agency's performance data. However, all agencies must complete a file review. The following charts represent general guidelines on numbers of files districts should review. Based on the most recent December 1 child count for the agency, the following number of files should be used as a guideline for conducting file reviews:

Child Count

11-100	minimum of 10 files reviewed
100-200	minimum of 15-25 files reviewed
200-1000	minimum of 25-40 files reviewed
1000	minimum of 40-60 files reviewed

The public agency must select a portion of files for children who were initially evaluated and for children who have had a re-evaluation in the present or preceding school year. The district uses each child's file for reviewing as many items as possible. (E.g. If reviewing a child's file for SPP Indicator13- post-secondary transition, the file may also be reviewed for IEP content, re-evaluation process, and LRE placement.)

Example of a File Selection

Example R-I School District

Most Recent December 1 Child Count= 200 Total File Sample Size= 25 files

Files selected:

Initial Evaluations done in the previous two semesters

(includes three (3) ECSE files) 8 files

District will review the Referral Process, Review of Existing Data And the Initial Evaluation for all of these files. District will also use these files to review the IEP and Placement.

Reevaluations done in the previous two (2) semesters

with additional assessments and without assessments 17 files

Select files for children in elementary school, middle school, and high school (including children ages 16 or older.)

For Reevaluation 17 files will be reviewed

For the IEP 25 files will be reviewed (8 initials, 17 reevaluations)

Transition (ages 16+) .. 10 files will be reviewed

For Placement 25 files will be reviewed (8 initials, 17 reevaluations)

The file selection must include a cross-section of files with regard to disability type and placement.

NOTE: Placement and IEP indicators are required based on which SPP indicators are "met" or "not met" for your district. For example, if the district did not meet the target for SPP Indicator 5 Least Restrictive Environment (LRE), the file review includes the indicators for placement. If the district is required to conduct a file review based on graduation, drop-out, MAP or LRE SPP indicators, the district is required to review the files of some students who have been long-term suspended during the current school year. IMACS includes these indicators in the file review checklist. Review files for three to five students or all available if fewer than five students were long-term suspended. The district may include these as additional files and only review the discipline indicators or may do a complete review of these files and include them as part of the sample described in the guidelines previously stated.

The Identification of Noncompliance

There are two types of compliance determinations that are made based on the file review results:

Pervasive (Systemic): Agency submits documentation that demonstrates that changes have been made in policies/procedures/practices to correct the noncompliance. All pervasive noncompliance must be corrected within twelve months of notification by the DSE.

Individual student noncompliance: These requirements apply to all such noncompliance, regardless of the source of the finding (monitoring, state complaint).

For individual noncompliance that is correctable, the agency must submit documentation that the individual child's noncompliance has been corrected. The state verifies correction of individual noncompliance through a sampling of students within each district.

For individual noncompliance that is not correctible (e.g., insufficiencies in the meeting notice for a meeting already held) the district is required to submit evidence of the actions taken to (1) determine how/why the noncompliance occurred, (2) ensure that policies, procedures and practices are reviewed/revised, if necessary and implemented in order to address the reasons for the noncompliance, and (3) ensure that staff are informed of and following the requirements in the future.

Individual Child

Individual noncompliance results in an Individual Corrective Action Plan (I-CAP) for that student. For any indicator that is able to be corrected, the agency must submit documentation showing that the individual child's file has been corrected as soon as possible but no longer than three (3) months from the date of the written notification of noncompliance. The State verifies correction of individual noncompliance through a sampling of students within each district.

For individual noncompliance that is not able to be corrected (e.g., insufficiencies in the meeting notice for a meeting already held) the district is required to submit evidence of the actions taken to (1) determine how/why the noncompliance occurred, (2) ensure that policies, procedures and practices are reviewed/revised, if necessary, and implemented in order to address the reasons for the noncompliance, and (3) ensure that staff are informed of and following the requirements in the future.

Corrective Action Planning

If a Corrective Action Plan (CAP) is required for pervasive non-compliance, the district submits the CAP to DESE via IMACS. Within 30 days of the date on the Special Education Program Review Report letter from DESE notifying the district of identified noncompliance and a required CAP, the CAP must be submitted to DESE. Compliance Supervisors review the CAP and approve it or send it back to the district, with comments, for revision. Districts may begin submitting documentation verifying the correction of non-compliance any time after their CAP has been approved. All identified noncompliance must be corrected within 12 months of the date of written notification from DESE of identified noncompliance.

For any non compliance identified through file reviews, LEAs are required to submit five (5) additional files showing the district has corrected any practices, policies, and procedures that were found to be out of compliance. Prior to requesting those files, compliance supervisors will conduct a data drilldown of the files that contributed to the noncompliance to determine if there was a pattern in those students' files. For instance, they will determine if all of the noncompliant files were from one building, one process coordinator, one disability category, etc. If such a pattern is found, the supervisor will request follow-up files from that same building, process coordinator, or disability category. If no pattern is found in the noncompliant files, the LEA will be required to submit five files for each instance of noncompliance that include:

- A cross section of the agency's building
- A variety of disabilities
- A variety of placements
- A variety of ages and grades, including ECSE, if applicable

Monitoring Timeline (Appendix K, Monitoring Timeline Flowchart)

- Training – October/November

- Self-assessment – November through March
 - Improvement Planning- November through March
 - File Review- November through March
 - Initial Evaluation and Part C to B Transition Timelines – Data submitted by May 15
- File Submission- March
- Verification of Self-assessment and Timeline Data – March through August
- Notification of Results including any identified noncompliance - September
- Corrective Action Planning, if necessary - October
- Evidence of correction submission within 12 months of written notification.

Special School Districts (SSD)

Missouri statute §162.825 provides any county in the state of Missouri the authority to establish a special school district for the purpose of provision of special education services to identified students with disabilities. Currently two counties have chosen to establish this structure: St. Louis County and Pemiscot County.

Both St. Louis County and Pemiscot County Special School Districts provide special education services including related services, career training programs, and early childhood special education (ECSE). Missouri statute also allows component districts of a special school district to either access the early childhood special education program from the special school district or components may choose to provide their own ECSE program. Within Special School District of St. Louis County eight (8) of the twenty-three (23) component districts make use of this provision (see *component districts in chart below). Special School District of Pemiscot County provides early childhood special education programs in all eight (8) of the component districts.

Demographics

<u>Special School District of St. Louis County</u> Component Districts Served: 23 SSD Special Education Schools: 5 Technical Education high schools: 2 Early Childhood Special Education Coalition Districts: 8	COMPONENT DISTRICTS OF SSD OF ST. LOUIS COUNTY Affton School District Bayless School District Brentwood School District Clayton School District* Ferguson-Florissant School District* Hancock Place School District Hazelwood School District* Jennings School District Kirkwood School District* Ladue School District Lindbergh School District
--	--

	Maplewood-Richmond Heights School District Mehlville School District* Normandy School District Parkway School District Pattonville School District* Ritenour School District Riverview Gardens School District Rockwood School District* University City School District* Valley Park School District Webster Groves School District Wellston School District *Does not access ECSE services from the SSD. Services are provided by the component district.
<u>Pemiscot County Special School District</u> Component Districts Served: 7 SSD Special Education Schools: 1 Career and Technology School: 1 Early Childhood Special Education Services Diagnostic Clinic	COMPONENT DISTRICTS OF SSD OF PEMISCOT COUNTY North Pemiscot County R-1 Hayti R-2 Pemiscot County R-3 Cooter R-4 South Pemiscot County R-5 Pemiscot County C-7 Caruthersville 18

General Monitoring of Special School Districts

When component districts are scheduled to participate in the cyclical special education monitoring process, Special School Districts of St. Louis County and Pemiscot County also participate in this monitoring process. While it is the responsibility of the SSD to correct any non-compliance issued to the component districts it is our expectation that the component and the SSD will work together to

correct non-compliance. Each special school district is also monitored as a separate agency during the MSIP cycle. Typically, public agencies are required to submit a general assurance statement to ensure all regulations related to the implementation of IDEA are employed. Due to the unique structure of special school districts, attainment and submission of the general assurance statement for all component districts is the responsibility of the special school district (see Appendix F – Interagency Assurance between SSD and Component Districts).

Monitoring of Component Districts That Provide ECSE Services

Monitoring of components districts providing ECSE services is basically the same as monitoring all other component districts, except when ECSE student files are reviewed, it is component district staff only that conducts the review of these files and when non-compliance is identified, the Component district is solely responsible for correction of non-compliance identified in the ECSE student files. In addition to the general assurance statement requirement referenced in the above paragraph, these districts must also submit to DESE, a signed annual assurance statement to ensure all regulations related to the implementation of IDEA are employed. This assurance statement applies to the ECSE program only (see Appendix G – Assurance for Early Childhood Special Education Coalition Districts).

Basis for Compliance

The State Regulations Implementing Part B of the Individuals with Disabilities Education Act (State Plan) sets forth the requirements to assure compliance with IDEA. Its provisions are applicable to each public agency that has direct or delegated authority to provide special education and related services. These requirements are binding regardless of whether an agency is a direct recipient of funds under IDEA 34 CFR 300.2.

Chapter 162 of the Revised Statutes of Missouri (RSMo) provides for appropriate educational services for students with disabilities. One of the service options available under state statute is the creation of a special school district pursuant to Section 162.825 RSMo.

The referendum establishing a special school district creates a distinct public school district for the purpose of providing special education and related services to students with disabilities within the component districts of which it is comprised.

Although the statutory authority to provide special education and related services under Section 162.825 RSMo. allows a special school district to become a subgrantee under IDEA, this does not relieve component districts from compliance responsibilities under Section 504. The requirements of Section 504 extend to both special and general education services to students with disabilities, and if not for the existence of a special school district, the component districts would be required to provide both special and general education services. Thus, it is through the compliance plan submitted by the special school district that the component districts not only benefit from the federal grants under IDEA, but also meet a major part of their obligations under Section 504.

Structure of Compliance

Forms of Compliance: Based upon the division of responsibility for educational services resulting from the creation of a special school district, there are three (3) forms of compliance.

Direct Compliance: Those requirements of IDEA that can only be complied with by the state's subgrantee will be defined as areas of direct compliance. Here a special school district will have immediate responsibility for both policy development and implementation of the federal requirements.

Joint Compliance: Certain issues require joint cooperation between the special and component districts in order for there to be full compliance with the requirements of IDEA. Although the special district may have primary responsibility to develop policy in these areas, implementation is the joint responsibility of the special and component districts. This is required because, for most students with disabilities, special education services are provided in the general education setting. Where sufficient assurances as to these responsibilities are not possible through the compliance plan submitted by the special school district or,

when they are a function of state statute, separate assurances may be required of the component districts.

Separate Compliance: A third category of compliance will be matters of separate compliance in which each special or component district is responsible for compliance. Here compliance can only be obtained by policy established by the board of each district. This would include the requirements under Section 504 that are not met through compliance with IDEA under this regulation and the requirements of the Family Education Rights and Privacy Act (20 USC Section 1232g).

As a result of the Merry litigation settlement, Parkway School District has some joint compliance responsibilities with Special School District that exceed responsibilities that apply to other component districts. Those additional requirements are not reviewed in the monitoring of other districts (see Appendix H – Basis for Compliance).

Charter Schools

Federal Law 300.2 (b) (1) (ii) The provisions of this part apply to all political subdivisions of the State that are involved in the education of children with disabilities, including...Local Education Agencies (LEAs)...and public charter schools that are not otherwise included as LEAs and are not a school of an LEA or ESAs. Missouri Law 160.415 A charter school shall provide the special services provided pursuant to section 162.705 RSMo and may provide the special services pursuant to a contract with a school district or any provider of such services. Charter Schools are autonomous public schools, which receive the same funding from the same sources as other public schools. Charter Schools are not private schools. Charter Schools do not charge tuition. Charter Schools are operated by teachers, parents and community groups, and are able to make site based decisions concerning their curriculum, structure and emphasis. Charter Schools are non-sectarian, non religious and do not discriminate in their admissions policies. A charter school may not limit admission based on race, ethnicity, national origin, disability, gender, income level, proficiency in English language, or athletic ability, but may limit admission to pupils within a given age group or grade level. Any student residing in the Kansas City Missouri School District or the St. Louis Public School District may choose to attend a charter school in the city in which they reside. There is no cost to parents for sending their children to a charter school. For a list of Charter Schools currently operating in the state, visit our website at: <http://www.dese.mo.gov/divimprove/charterschools/>

Requirements for Provision of Services to Students with Disabilities

Charter Schools are obligated under state and federal statute to provide services to students with disabilities under the same requirements as all Local Education Agencies (LEA). Charter Schools are required to meet the regulations of Title II of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973. Additionally, these laws are binding on each public agency in the State that provides special education and related services to children with disabilities, regardless of whether that agency is receiving funds under Part B federal IDEA regulations §300.2 (b)(2). If the public Charter School is an LEA consistent

with federal IDEA regulations §300.28 that receives funding under Part B that Charter School is responsible for ensuring that the requirements of Part B are met. A Charter School may elect to contract for the provision of services for students with disabilities but the Charter School continues to have the ultimate responsibility for the child's IEP and the provision of services exactly as specified in the IEP. Charter Schools are also responsible for following any applicable state or federal regulations and procedures when contracting for these services.

Monitoring Process

While Missouri Charter Schools are not subject to the same data-reporting and accreditation requirements as public schools, they are required to serve children with disabilities in the same manner as LEAs serve children with disabilities. Charter Schools are monitored based upon performance standards and must follow the Special Education Program Review Standards and Indicators that are required for other LEAs and are scheduled for monitoring within the five year cycle as other schools and agencies monitored by the Division of Special Education. (See Appendix I – Charter Schools 4th Cycle Monitoring Schedule)

State Board Operated Programs (SBOP)

The Missouri Department of Elementary and Secondary Education (DESE) provide free appropriate public education services for students with disabilities through three State Board of Education Operated Programs: Missouri School for the Deaf (MSD), Missouri School for the Blind (MSB) and Missouri Schools for the Severely Disabled (MSSD).

The DESE ensures that each educational program for children with disabilities administered by the State Board of Education is under the general supervision of the Division of Special Education, Department of Elementary and Secondary Education, and that their programs meet the standards of the SEA.

The Missouri School for the Deaf (MSD) is a separate day school setting with a residential program which serves students who are deaf or hard of hearing that are referred by local school districts.

Missouri School for the Blind (MSB) is a separate day school setting with a residential program which serves students who are blind or visually impaired that are referred by local school districts.

Missouri Schools for the Severely Disabled (MSSD) (formerly called the State Schools for the Severely Handicapped-SSSH) is a separate day school setting which serves students with severe disabilities that are referred by local school districts. Students who are eligible for MSSD are not eligible for MSD or MSB.

Monitoring Process

The monitoring process is the same for SBOPs as it is for public schools with the exception of the following:

- Initial special education referrals, evaluation, identification, IEP and placement are the responsibility of the local public school district.
- Placement at a SBOP requires written justification for placement from the local public school.

- Re-evaluations are conducted by the public school for MSSD, however MSD and MSB conduct their own re-evaluations.
- SBOPs are responsible for the annual IEP meetings and are required to invite the student's local public school to the IEP meetings.
- Focus monitoring on-site selection follows the regular district selection process.

(see Appendix J – Basis of Compliance, State Plan for Special Education)

Other State Agencies

Department of Mental Health (DMH) assists in identification and location of infants, toddler, and children with suspected disabilities through its Regional Centers for the developmentally Disabled, State Habilitation Centers, and State Hospitals. Referrals are made to local school districts and the Part C system. DMH is also responsible for the identification and provision of special education services to children who have been placed in the care of DMH because it has been determined that they are a danger to themselves or others.

Department of Social Services (Division of Youth Services (DYS)) identifies students with disabilities who are placed within the care and custody of the MO Division of Youth Services. Special education services are provided for these students within the Division's facilities.

Department of Corrections (DOC) provides for the identification and provision of special education services to individuals with disabilities under the age of 21 years who are placed within its jurisdiction.

Monitoring Process

Department of Mental Health (DMH), Department of Social Services (DSS) – Division of Youth Services (DYS), and Department of Corrections (DOC) will be monitored on the same cyclical basis as public school districts during each five year cycle. DMH is monitored in the third year of the cycle and DOC and DYS are monitored in the fifth year of the cycle. DMH, DOC and DYS are responsible for all areas of the Missouri Special Education Program Review Standards and Indicators except for those listed below:

The following are not the responsibility of DMH, DYS, or DOC and will not be monitored:

Administrative Checklist

Child find public awareness activities (100.10 – 100.20 including all sub-indicators)

Contractual services with approved private agencies (100.330 including all sub-indicators)
State board operated programs (100.340 – 100.360 including all sub-indicators)
Special school district component districts (100.480 – 100.530 including all sub-indicators)

IEP

Transition from Part C to Part B (200.130 including all sub-indicators)
Notice of action for change in placement/graduation. (200.1180 – 200.1230 including all sub-indicators)

Other procedures

Discipline procedures (300.10-300.80 including all sub-indicators)
Eligibility Determination using Young Child with a Developmental Delay (YCDD) (2100.10 – 2100.40 including all sub-indicators)

On-Site Monitoring Process

At present, the priority areas for focused on-site reviews are elementary achievement and post-secondary transition as identified by the Special Education Advisory Panel (SEAP) in 2003 subsequent to the completion of Missouri's Self-Assessment in 2002. The SEAP is an IDEA mandated statewide stakeholder group made up of parents of students with disabilities, general and special educators, administrators and other special education stakeholders.

District Selection Process

Note: Analysis based on data from three (3) consecutive prior school years.

- Performance levels and distance from SPP targets (three year trend)
- MAP Communication Arts grades 3-5
- Graduation and dropout rates
- Selected for MSIP on-site review
- Size of district
- Districts in various size groupings – looked at performance within 9 different groups
- Determinations
- District Improvement Plans
- Previous Child Complaints/Due Process Hearings
- Anecdotal Data
- Results of Self-assessment

On-site Monitoring Procedures

A team of individuals is chosen for each on-site district. This team includes DSE staff and RPDC consultants.

The team reviews data for the district by drilling down into various categories and subgroup data. From this review, a hypothesis is developed to try to discover root causes of the district's poor performance.

The team arrives on-site for monitoring. These reviews are usually coordinated with the districts' MSIP review, though the DSE may conduct an on-site for an agency not having a full MSIP review.

While on-site, the team conducts interviews and focus groups of administrators, staff, parents, and possibly students. Classroom observations are completed by each team member and include regular and special education classrooms. Additional file reviews may be done to confirm the findings of the self-assessment.

All information gathered is reviewed by the team and used to support or deny the hypothesis. An exit conference is held with district staff to report the team's findings and answer any questions they may have.

Within six weeks of the review, the district receives a report of the findings which may or may not include an additional Corrective Action Plan. The district must respond to these findings in their Accountability Plan developed by stakeholders in the district and periodically report on the progress the district is making in improvement of their performance.

The complete On-Site Monitoring Manual is found at <http://dese.mo.gov/divspced/EffectivePractices/documents/FocusedMan.pdf>

MSIP Cycle

Appendix A

Cycle 1	Test Year	July 1, 1990 - June 30, 1991
	Year 1	July 1, 1991 - June 30, 1992
	Year 2	July 1, 1992 - June 30, 1993
	Year 3	July 1, 1993 - June 30, 1994
	Year 4	July 1, 1994 - June 30, 1995
	Year 5	July 1, 1995 - June 30, 1996
Cycle 2	Year 1	July 1, 1996 - June 30, 1997
	Year 2	July 1, 1997 - June 30, 1998
	Year 3	July 1, 1998 - June 30, 1999
	Year 4	July 1, 1999 - June 30, 2000
	Year 5	July 1, 2000 - June 30, 2001
Cycle 3	Year 1	July 1, 2001 - June 30, 2002
	Year 2	July 1, 2002 - June 30, 2003
	Year 3	July 1, 2003 - June 30, 2004
	Year 4	July 1, 2004 - June 30, 2005
	Year 5	July 1, 2005 - June 30, 2006
Cycle 4	Year 1	July 1, 2006 - June 30, 2007
	Year 2	July 1, 2007 - June 30, 2008
	Year 3	July 1, 2008 - June 30, 2009
	Year 4	July 1, 2009 - June 30, 2010
	Year 5	July 1, 2010 - June 30, 2011
Cycle 5	Year 1	July 1, 2011 - June 30, 2012
	Year 2	July 1, 2012 - June 30, 2013
	Year 3	July 1, 2013 - June 30, 2014
	Year 4	July 1, 2014 - June 30, 2015
	Year 5	July 1, 2015 - June 30, 2016

Special Education Monitoring - 2010-2011 School Year

CDCCode	District
103-129	Advance R-IV
047-062	Arcadia Valley R-II
034-124	Ava R-I
002-090	Avenue City R-IX
049-135	Avilla R-XIII
048-911	B. Banneker Academy
096-099	Bayless
019-152	Belton 124
084-001	Bolivar R-I
017-124	Bosworth R-V
106-004	Branson R-IV
013-061	Braymer C-4
108-143	Bronaugh R-VII
042-117	Calhoun R-VIII
016-096	Cape Girardeau 63
049-132	Carl Junction R-I
005-123	Cassville R-IV
067-061	Charleston R-I
025-003	Clinton Co. R-III
054-037	Concordia R-II
027-056	Cooper Co. R-IV
048-912	Della Lamb Elem.
002-017	Department Of Corrections
347-347	Division Of Youth Services
050-005	Dunklin R-V
018-047	East Carter Co. R-II
073-099	East Newton Co. R-VI
066-102	Eldon R-I
057-002	Elsberry R-II
029-003	Everton R-III
024-089	Excelsior Springs 40
003-033	Fairfax R-III
046-140	Fairview R-XI
092-087	Ft. Zumwalt R-II
050-002	Grandview R-II
105-123	Green City R-I
029-004	Greenfield R-IV

CDCCode	District
010-089	Hallsville R-IV
013-055	Hamilton R-II
048-904	Hogan Preparatory Academy
107-152	Houston R-I
115-907	Imagine Acad. Academic Success
115-909	Imagine Academy Es And Math
115-908	Imagine Academy Of Careers
048-919	Imagine Ren Acad Env Sci & Ma
100-064	Kelso C-7
048-918	Kipp: Endeavor Academy
052-096	Knox Co. R-I
006-104	Lamar R-I
085-045	Laquey R-V
040-104	Laredo R-VII
042-118	Leesville R-IX
051-156	Leeton R-X
039-139	Logan-Rogersville R-VIII
077-104	Lutie R-VI
061-156	Macon Co. R-I
063-066	Maries Co. R-I
084-005	Marion C. Early R-V
058-108	Meadville R-IV
019-151	Midway R-I
066-103	Miller Co. R-III
055-104	Miller R-II
201-201	Mo Schls For The Sev Disabled
115-414	Mo School For The Blind
014-400	Mo School For The Deaf
088-081	Moberly
068-070	Moniteau Co. R-I
069-106	Monroe City R-I
045-076	New Franklin R-I
036-138	New Haven
078-001	North Pemiscot Co. R-I
033-094	North Wood R-IV
092-091	Orchard Farm R-V
075-086	Oregon-Howell R-III

CDCCode	District
096-095	Parkway C-2
078-003	Pemiscot Co. R-III
080-122	Pettis Co. R-XII
082-101	Pike Co. R-III
083-003	Platte Co. R-III
012-109	Poplar Bluff R-I
027-057	Prairie Home R-V
065-098	Princeton R-V
019-142	Raymore-Peculiar R-II
039-134	Republic R-III
089-089	Richmond R-XVI
003-032	Rock Port R-II
033-090	Salem R-80
021-151	Salisbury R-IV
066-105	School Of The Osage
100-061	Scott Co. R-IV
112-103	Seymour R-II
108-144	Sheldon R-VIII
057-001	Silex R-I
080-119	Smithton R-VI
010-087	Southern Boone Co. R-I
090-076	Southern Reynolds Co. R-II
059-113	Southwest Livingston Co. R-I
096-119	Specl. Sch. Dst. St. Louis Co.
039-141	Springfield R-XII
081-094	St. James R-I
095-059	Ste. Genevieve Co. R-II
020-001	Stockton R-I
107-151	Success R-VI
031-122	Tri-County R-VII
018-050	Van Buren R-I
036-139	Washington
054-043	Wellington-Napoleon R-IX
070-092	Wellsville Middletown R-I
046-131	Willow Springs R-IV
031-117	Winston R-VI
109-002	Wright City R-II

**Missouri Department of Elementary and Secondary Education
Criteria for Local Determinations
2009**

The criteria used for issuing determinations on implementation of the Individuals with Disabilities Education Act (IDEA) for each responsible public agency in Missouri are described in Table A. The determinations are based on 2007-2008 data except for the areas of Initial Evaluation Timelines, Part C to Part B Transition Timelines, Secondary Transition Planning, Disproportionality and Correction of Noncompliance. For these areas, districts reviewed in 2006-2007 received a score ranging from 4 to 1, depending on their review findings and correction of noncompliance. All other districts received a score of 4 unless they had continuing longstanding noncompliance, in which case they received a score of 1.

The district's determination was based upon the average of its scores in the seven categories listed in Table A in accordance with the ranges shown in Table B.

Table A: Criteria Used to Make Determinations

Audit Findings <ul style="list-style-type: none"> • 4 - No Findings • 3 - Findings – reconciled timely (6months) • 2 - Findings – reconciled untimely (+ 6 months) • 1 – Findings – not reconciled
Timely and Accurate Data <ul style="list-style-type: none"> • 4 – 3 out of 3 data submission points, data was submitted timely and accurately • 3 – 2 out of 3 data submission points, data was submitted timely and accurately • 2 - 1 out of 3 data submission points, data was submitted timely and accurately • 1 – 0 out of 3 data submission points, data was submitted timely and accurately
Disproportionality (SPP Indicators 9 & 10) Initial Evaluation Timelines (SPP Indicator 11) Part C to B Transition Timelines (SPP Indicator 12) Secondary Transition Planning (SPP Indicator 13) Correction of Noncompliance (SPP Indicator 15) <ul style="list-style-type: none"> • 4 – In compliance or timely correction of non compliance (within 12 months) • 3 – Untimely correction of non-compliance (greater than 12 months and less than 18 months) • 2 – Untimely correction of non-compliance (greater than 18 months) • 1– Longstanding uncorrected non-compliance

Table B: Range of Scores Used to Make Determinations

Needs Substantial Intervention	1-1.999
Needs Intervention	2-2.749
Needs Assistance	2.75-3.329
Meets Requirements	3.33-4

Sample Determination Letter for Agencies in the Need Assistance Category

Re: “Determination Category” for your school district/responsible public agency

Dear «Title» «Last_Name»:

The purpose of this letter is to inform you that your public agency’s determination category is **«Determination» in Implementing the Requirements and Purposes of the IDEA**, and to provide a brief summary of the regulatory requirements related to these determinations as well as information about the data that was used to make this determination. The determination category is based on an evaluation of your progress on some of the State Performance Plan (SPP) indicators and targets.

The categories states must use for annual determinations of local agencies are established by the U.S Department of Education, Office of Special Education Programs (OSEP), and are the same four categories OSEP used in identifying each State Educational Agency’s determination category:

- Meets the requirements and purposes of the Individuals with Disabilities Education Act (IDEA)
- Needs assistance in implementing the requirements of the IDEA
- Needs intervention in implementing the requirements of the IDEA
- Needs substantial intervention in implementing the requirements of the IDEA

Missouri was recently notified that it was placed in the category “Meets Requirements of the IDEA,” and more information is available regarding Missouri’s determination in the SELS messages dated June 10 and July 15, 2008.

This year when making local determinations, states are required to review local performance in these areas:

- Compliance under SPP Indicator 12 (Part C to Part B Transition Timelines)
- Compliance under SPP indicator 15 (Correction Of Non-Compliance)
- Compliance under SPP indicator 13 (Secondary Transition Planning)
- Compliance under SPP indicator 11 (Initial Evaluation Timelines)
- Compliance under SPP indicators 9 and 10 (Disproportionality)
- Timely/Accurate Data
- Special Education Audit Findings

When making determinations about local education agencies, states have been given the discretion to consider data related to additional SPP performance (results) indicators; to be consistent with our focus on the areas of transition and elementary achievement, we felt it was important to include a review of performance indicators on graduation rate, dropout rate, and MAP assessment in elementary communication arts.

Attached you will find a description of the criteria DESE used in making the determinations for districts this year. In addition, the chart shown below provides information about your district’s scores in each area reviewed as well as the overall determination score.

DETERMINATION AREA	DISTRICT SCORE
Special Education Audit Findings	«Audit»
Timely/Accurate Data	«Data»
Graduation Rate	«Grad»
Dropout Rate	«Drop_Out»
Assessment Participation	«MAP_Part»
Assessment Performance	«MAP_Perf»
Disproportionality	«SPP_910»
Initial Evaluation Timelines	«SPP_11»
Part C to Part B Transition Timelines	«SPP_12»
Secondary Transition Planning	«SPP_13»
Correction of Noncompliance	«SPP_15»
Determination Score	«M_0607_Det»

It is important to keep in mind that in some cases these determinations are based on a different set of data and criteria than the data and criteria used in making compliance decisions or Improvement Plan recommendations during the cyclical monitoring process.

A number of resources are available to your district to help move toward a determination of “Meets the Requirements and Purposes of IDEA” in the future. Some of those resources include:

- Technical assistance related to compliance requirements of IDEA from the Division of Special Education Compliance Section and/or the Compliance Consultant at the Regional Professional Development Center (RPDC) in your area;
- Assistance from your RPDC and/or DESE staff in the Effective Practices Section in identifying and implementing professional development, instructional strategies and methods of instruction that are based on scientifically based research;
- Availability of School Improvement Grants which will be announced this fall by DESE.

Your district’s data will be reviewed annually, and if you continue to be classified under the category of “Needs Assistance” or lower, your district will be subject to one or more of the enforcement options outlined in the State Regulations implementing Part B of IDEA which include but are not limited to; the requirement to prepare a corrective action plan or improvement plan, required technical assistance and accountability for receiving the technical assistance, directing the use of state and/or federal funds on the area or areas in which the agency needs assistance, identification as a high-risk grantee and imposing special conditions on the agency’s Part B grant.

It is our hope that this process, along with the other processes Missouri DESE uses to meet its responsibilities for general supervision and monitoring will not only lead to increased compliance with the requirements of IDEA, but ultimately, and most importantly, will help improve outcomes for students with disabilities throughout our state.

If you have any questions, please contact the Division of Special Education, Compliance Section 573-751-0699.

Missouri Improvement Plan Scoring Guide

IP Section	Scoring Guide (any items not addressed will receive 0 points)	1 Point	2 Points	3 Points
Needs Assessment (12 points)	<ul style="list-style-type: none"> Describes the stakeholder group including how all required stakeholders --administrators, parents, general education, special education and community-- are involved in the analysis, planning, implementation and evaluation process Methodology of drilldown process and data sources used are appropriate and described in sufficient detail Hypothesized root causes in needed areas of improvement are identified through data analysis The needs of the district are identified and prioritized (if multiple needs are listed) through data analysis 	<ul style="list-style-type: none"> Stakeholder group is limited to special education personnel Inappropriate data sources and/or unclear description of methodology or data sources Hypothesized root causes are listed but no description of the methodology or connection between root causes not explained Needs and priorities are not clearly stated 	<ul style="list-style-type: none"> Stakeholder group does not include all role types and/or the role of stakeholders is limited Limited appropriate data sources and/or limited methodology used to determine strengths & weaknesses Hypothesized root causes are identified, but description of the methodology is weak and the connection between root causes and the needs is not clear Needs are stated but not prioritized 	<ul style="list-style-type: none"> Required group of stakeholders is described and is involved in all aspects of the process Data sources include multiple appropriate measures. Drilldown methodology is used. Data is disaggregated and findings recorded Root causes are identified through data and systems analysis and are directly related to the needs of the district. Process is explained Needs are stated and prioritized
Objectives (18 points)	<ul style="list-style-type: none"> The objective is Specific, Measurable, Attainable, Results-oriented and Time-bound 	<ul style="list-style-type: none"> Only one or two of SMART met 	<ul style="list-style-type: none"> 3-4 of SMART met 	<ul style="list-style-type: none"> SMART met

Entered in comments field	<ul style="list-style-type: none"> • The SPP Indicators that the objective will address are specified • Intermediate and final targets are specified and dates by which they will be achieved are specified • Evaluation procedures align directly to the objective 	<ul style="list-style-type: none"> • NA • Specified targets are not relevant measures for the objective • Evaluation procedures are not aligned to the objective 	<ul style="list-style-type: none"> • NA • Intermediate OR final target is specified. Target is relevant to the objective • Some evaluation procedures not aligned to the objective 	<ul style="list-style-type: none"> • SPP Indicators specified • Intermediate AND final targets are specified. Targets are relevant to the objective • All evaluation procedures are aligned to the objective
Entered in comments field	<ul style="list-style-type: none"> • It is clearly stated <i>when</i> reports with respect to outcomes will be made and <i>to whom</i> 	<ul style="list-style-type: none"> • Only one of when or whom is provided 	<ul style="list-style-type: none"> • NA 	<ul style="list-style-type: none"> • It is clearly stated <i>when</i> reports with respect to outcomes will be made and <i>to whom</i>
Entered in comments field	<ul style="list-style-type: none"> • Evaluation procedures for objective occur with sufficient frequency 	<ul style="list-style-type: none"> • Insufficient frequency 	<ul style="list-style-type: none"> • NA 	<ul style="list-style-type: none"> • Evaluative frequency is appropriate for objective
Strategy (12 points)	<ul style="list-style-type: none"> • The strategy is evidence based and is aligned with the objective • District personnel responsible for supervision of the strategy are clearly identified by role and name 	<ul style="list-style-type: none"> • NA • NA 	<ul style="list-style-type: none"> • NA • NA 	<ul style="list-style-type: none"> • The strategy is aligned with the objective and is evidenced-based • District personnel responsible for supervision of the strategy are clearly identified by role and name

	<ul style="list-style-type: none"> • The rationale describes how the strategy matches district prioritized needs and is linked to hypothesized root causes 	<ul style="list-style-type: none"> • Strategy does not appear to be linked to district needs or hypothesized root causes 	<ul style="list-style-type: none"> • Strategy is linked to the district's needs but does not directly address the hypothesized root causes 	<ul style="list-style-type: none"> • The relationship between the strategy and the needs/root causes is clearly explained
Entered in comments field	<ul style="list-style-type: none"> • The rationale describes how staff buy-in (ownership) for implementation of the strategy was achieved and at what level 	<ul style="list-style-type: none"> • Staff were informed of the strategy but there is no indication that staff were involved in the selection/planning, nor is the level of staff buy-in indicated 	<ul style="list-style-type: none"> • Staff were informed, but the level of involvement/ degree of support is limited 	<ul style="list-style-type: none"> • Staff were included in the selection of and planning for the strategy. A high level of staff support for implementation is evident
Entered in comments field	<ul style="list-style-type: none"> • Strategy includes ongoing high-quality professional development 	<ul style="list-style-type: none"> • NA 	<ul style="list-style-type: none"> • NA 	<ul style="list-style-type: none"> • Professional development is high quality and ongoing
Action Steps (15 points)	<ul style="list-style-type: none"> • The action steps provide a logical sequence from planning to implementation and evaluation of the strategy and are specific enough to ensure effective implementation of the strategy • The projected starting dates for the action steps are identified 	<ul style="list-style-type: none"> • A limited number of action steps are listed, and/or do not cover the full implementation of the strategy • NA 	<ul style="list-style-type: none"> • Steps are listed, but are too broad to guide full implementation of the strategy • NA 	<ul style="list-style-type: none"> • Specific steps are listed that will ensure full implementation and evaluation of the strategy • Start dates are identified

	<ul style="list-style-type: none"> • Action steps include communication with and/or involvement of parents regarding implementation, progress and/or outcomes of the strategy • Action steps include a determination of whether the strategy is implemented as intended (i.e., strategy fidelity/program integrity) • Action steps include objective, quantifiable and/or qualitative data and are sufficiently sensitive to detect small increments of change in student progress 	<ul style="list-style-type: none"> • NA • Collection of qualitative and/or quantitative implementation fidelity measures are included • Includes collection of broad impact measures that do not allow for detecting small increments of change in student progress. Data not collected frequently enough to allow adaptation or are unrelated to the strategy 	<ul style="list-style-type: none"> • NA • NA • NA 	<ul style="list-style-type: none"> • Communication with and/or involvement of parents regarding implementation, progress and/or outcomes of the strategy are clearly stated • Collection of <i>clearly defined</i> qualitative and/or quantitative implementation fidelity measures are included • Action steps include the collection of specific quantitative and/or qualitative impact measures that can detect small increments of change in student progress
Budget (9 points)	<ul style="list-style-type: none"> • The budget includes only approvable expenses 	<ul style="list-style-type: none"> • NA 	<ul style="list-style-type: none"> • NA 	<ul style="list-style-type: none"> • Budget includes only approvable expenses
Required only for grant districts	<ul style="list-style-type: none"> • Budget is aligned with action steps • Budget is detailed enough to outline all expected costs 	<ul style="list-style-type: none"> • NA • NA 	<ul style="list-style-type: none"> • NA • NA 	<ul style="list-style-type: none"> • Budget items are clearly tied to action steps • Budget is sufficiently detailed

SSD Interagency Assurance Statement

ASSURANCE STATEMENT
FY 10

 Name of School District

 County/District Code

As required by State and Federal regulations implementing Part B of the Individuals with Disabilities Education Act and § 162.825 RSMo, establishing Special School Districts, the District assures the following:

- To assist in conducting Awareness and Child Find activities
- To participate in the Joint Review committee
- To support the Evaluation Process
- To participate in IEP meetings or determine whether staff will be excused from the IEP meeting
- To give parents the opportunity to examine educational records with respect to the provision of special education and related services to the student
- To implement hearing officer decisions
- To maintain policies and procedures which address those requirements of 504 that do not relate to the provision of special education services
- To assist in providing maintenance of placement during administrative or judicial proceedings
- To assist in the recruitment and determination of need of surrogate parents
- To ensure that a continuum of placements are available to meet the needs of students with disabilities
- To adopt policies and practices needed to assure allocation of instructional resources sufficient to provide appropriate special education and related services
- To provide facilities for students with disabilities that are comparable to those available to nondisabled student within that building and/or district
- To ensure that otherwise qualified students with disabilities participate with nondisabled student in those services and activities to the maximum extent appropriate to the needs of the student with a disability
- To, if necessary, relocate space no more frequently than the relocation of space for general education student services
- To adopt procedures and practices to allow participation of private school students as defined in Regulation VIII of the Missouri State Plan
- To develop a professional development plan that coordinates activities with the Special School District and the Component District

 Signature

 Title

 Date



MISSOURI DEPARTMENT OF
ELEMENTARY & SECONDARY EDUCATION

STATEMENT OF AGREEMENT WITH

DESE'S
CORE ASSURANCES

For the purposes of implementing provision of the Individuals with Disabilities Education Act Amendments of 2004, the _____ school district assures that throughout the period of the State Fiscal Year 2010, it will comply with all of the requirements outlined in the DESE's Core Assurances document, effective July 1, 2009

Superintendent	Special Education Contact
Print Name	Print Name
Signature/Date	Signature/Date

Sign and return by **June 26, 2009**, to: Division of Special Education – Compliance, Attn: Dana Desmond, Department of Elementary and Secondary Education, P.O. Box 480, Jefferson City, Missouri 65102

Missouri State Regulations Implementing Part B of the Individuals with Disabilities Education Act (IDEA)

IX. SPECIAL SCHOOL DISTRICTS

Under the Merry litigation settlement, Parkway School District has some joint compliance responsibilities that exceed responsibilities that apply to other component districts. Such responsibilities of the Merry case are incorporated herein by reference.

1. BASIS FOR COMPLIANCE

The mandate to provide appropriate educational services to students with disabilities is a function of both federal and state statute. The purpose of this regulation is to define the scope of these requirements. In this and other portions of this regulation, reference is made, where possible, to the specific statutory or regulatory source of each of the stated requirements. References are be made to the United States Code (USC), the Code of Federal Regulations (CFR), the Revised Statutes of Missouri (RSMo.) and the Missouri Code of State Regulations (CSR).

- A. Section 504 of the Rehabilitation Act of 1973: The foundation of the assurance of a free appropriate public education for students with disabilities is found under Section 504 of the Rehabilitation Act of 1973 (Section 504). 29 USC Sections 706(7), 794, 794a, 794b. This statute and its accompanying regulations, in part, require that elementary and secondary schools provide appropriate regular or special education and related aids and services necessary to meet the needs of students with disabilities as adequately as the needs of nondisabled students are met 34 CFR 104.33(b). The requirements of Section 504 are applicable to any recipient of federal financial assistance from the U. S. Department of Education and to any program or activity that receives or benefits from such assistance 34 CFR 104.2. This would include both the special school district and the component districts within the special district.
- B. Part B of IDEA: This statute represents a major federal initiative in special education. Part B of the Individuals with Disabilities Education Act (IDEA) provides specific grants of financial assistance to the states for the purpose of assuring appropriate special education and related services to students with disabilities 20 USC Sections 1400-1485.
- C. Code of State Regulations: State regulation found at 5 CSR 70-742.140 reflects the State Plan for Special Education, Regulations Implementing Part B of the Individuals with Disabilities Education Act (State Plan). This State Plan is the primary policy document adopted to assure compliance with IDEA. Submitted by the Department of Elementary and Secondary Education on behalf of the entire state, its provisions are applicable to each public agency that has direct or delegated authority to provide special education and related services. These requirements are binding regardless of whether an agency is a direct recipient of funds under IDEA 34 CFR 300.2.

- D. Revised Statutes of Missouri: Chapter 162 RSMo. contains the enabling legislation required, in conjunction with the provisions of this State Plan, to meet the federal and state mandates for appropriate educational services for students with disabilities. One of the service options available under state statute is the creation of a special school district pursuant to Section 162.825 RSMo. The referendum establishing a special school district creates a distinct public school district for the purpose of providing special education and related services to students with disabilities within the component districts of which it is comprised.
- E. Compliance with Federal Requirements: Although the statutory authority to provide special education and related services under Section 162.825 RSMo. allows a special school district to become a subgrantee under IDEA, this does not relieve component districts from compliance responsibilities under Section 504. The requirements of Section 504 extend to both special and general education services to students with disabilities, and if not for the existence of a special school district, the component districts would be required to provide both special and general education services. Thus, it is through the compliance plan submitted by the special school district that the component districts not only benefit from the federal grants under IDEA, but also meet a major part of their obligations under Section 504.

2. STRUCTURE OF COMPLIANCE

- A. Compliance Requirements to be Addressed: With regard to the compliance responsibilities of a special district and component districts, this regulation will reference other sections of this State Plan.
- B. Forms of Compliance: Based upon the division of responsibility for educational services resulting from the creation of a special school district, three (3) forms of compliance can be identified.
 - 1) Direct Compliance: Those requirements of IDEA that can only be complied with by the state's subgrantee will be defined as areas of direct compliance. Here a special school district will have immediate responsibility for both policy development and implementation of the federal requirements.
 - 2) Joint Compliance: Certain issues require joint cooperation between the special and component districts in order for there to be full compliance with the requirements of IDEA. Although the special district may have primary responsibility to develop policy in these areas, implementation shall be the joint responsibility of the special and component districts. This is required because, for most students with disabilities, special education services are provided in the general education setting. Where sufficient assurances as to these responsibilities are not possible through the compliance plan submitted by the special school district or, when they are a function of state statute, separate assurances may be required of the component districts.
 - 3) Separate Compliance: A third category of compliance will be matters of separate compliance in which each special or component district is responsible for compliance. Here compliance can only be obtained by policy established by the board of each district. This would include the requirements under Section 504

that are not met through compliance with IDEA under this regulation and the requirements of the Family Education Rights and Privacy Act (20 USC Section 1232g).

Each of the compliance issues addressed in this regulation will be described in terms of one of these three (3) forms of compliance.

3. COMPLIANCE REQUIREMENTS

The following sections outline specific amendments to the designated portions of the State Plan. Their purpose is to clarify compliance responsibilities for a special school district and the component districts of which it is comprised.

- A. Regulation III, Child Find addresses the planning and implementation of child find efforts. The specific compliance requirements of each element of the identification process are addressed separately.
 - 1) Awareness and Child Find: It is a matter of direct compliance for the special school district to develop and implement such policies and procedures needed to ensure the publication of appropriate notices through the print media, radio, and television. These policies and procedures must result in appropriate coverage throughout the service area of the special school district. The posting of notices and the distribution of written literature to school patrons is, of necessity, a matter of separate compliance, with each district responsible for distribution of materials within their own facilities.
 - 2) Joint Review Committee: The Joint Review committee shall determine if it is appropriate to refer and evaluate the student to determine eligibility for special education services. This committee shall be composed of staff from both the special and component districts and the work of the committee shall be a matter of joint compliance. The determination to refer and evaluate would require an affirmative recommendation based upon a consensus of the committee and shall be binding upon both the special and component districts.
 - 3) Procedural Safeguards: If the Joint Review committee determines that the referral for evaluation is warranted, then a copy of the Procedural Safeguards and, when appropriate, an appropriate notice of Intent to Evaluate and request for consent to evaluate shall be forwarded to the parent or guardian, by the special school district as a matter of direct compliance. If the committee refuses to honor a parental or guardian request for evaluation, then appropriate notice of that refusal shall also be required by the special school district to the parent or guardian. Further, these actions are subject to the procedural safeguards and hearing rights assured by the special district and provided under Subpart E of IDEA regulations and Regulation V of the State Plan, as modified by this regulation.

B. Regulation III, Procedures for Evaluation and Determination of Eligibility

The IEP of a student with a disability shall be based upon a full and comprehensive evaluation. Although policy development and implementation of evaluation procedures rests primarily with the special school district, each component district shall have specific responsibilities in support of the evaluation process.

- 1) Evaluation Procedure: IDEA Regulations (34 CFR 300.304) and Regulation III of this plan outline specific protections in the evaluation process to determine initial eligibility and subsequent reevaluation. It is a matter of direct compliance for the special school district to maintain appropriate procedures and allocate sufficient personnel to assure these protections.
- 2) Support of the Evaluation Process: Compliance responsibilities to be jointly implemented by the component districts include:
 - a) Providing reports, classroom assessments or other resource materials from their general education staff to the group of individuals evaluating the student to determine eligibility.
 - b) Designating appropriate staff required to participate in the group of individuals evaluating the student for eligibility for special education services or to reevaluate the student on a periodic basis.
 - c) Designating appropriate staff to participate in the group that makes the eligibility determination.
- 3) Procedural Safeguards: Notice of intent to evaluate or reevaluate to the parent or guardian shall be a matter of direct compliance for the special school district. Notice of initial evaluation would be based upon the determination of the referral review committee. Notice of intent to reevaluate would be based upon recommendation of the IEP Team. Notice would be given both when the evaluation is requested by the IEP Team and when the evaluation is based upon parental request (34 CFR 300.504). This would include notice when a parental request for evaluation or re-evaluation has been refused. As with other elements in the process of providing special education and related services, procedural safeguards under Subpart E of IDEA apply to the evaluation process (34 CFR 300.504). Based upon this notice and any subsequent disagreement with the proposed evaluation/reevaluation, the parent or guardian may invoke the administrative hearing process also provided under Subpart E. Implementation of these procedural safeguards shall be based upon the provisions of Regulation V of the State Plan as amended by this regulation, under the direction of the special school district.

C. Regulation IV, Individualized Education Program

The Individualized Education Program (IEP) is a written statement summarizing the special education and related services necessary to provide the student with a Free Appropriate Public Education (FAPE). Compliance responsibilities for the development, implementation and review of a student's IEP are addressed in Regulation IV of the State Plan. The following relates these responsibilities to the special and component districts.

- 1) Conducting IEP Meetings: The special school district shall, as a matter of direct compliance, be responsible for initiating and conducting meetings for the purpose of developing, reviewing, and revising an IEP for each eligible student 34 CFR 300.320.
- 2) IEP Meeting Excusal: Any member of the IEP Team may be excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the team member's area of curriculum or related services if the parent, in writing, and the special and component school district consent to the excusal and the team member submits, in writing to the parent and IEP Team, input into the development of the IEP prior to the meeting.
- 3) Participants of the IEP Meeting.
 - a) Staff: The special and component districts will be responsible, as indicated, for identifying and assigning the following staff members to participate in IEP meetings. Such assignments shall be made with the understanding that the IEP Team decision are binding on both districts and may not be unilaterally changed at a higher administrative level in either district. Decisions relating to the IEP are appealable by the parent or guardian through the administrative hearing process authorized under Regulation V of the State Plan as amended by this regulation.

General Education Teacher (Component District): At least one general education teacher of the student must be present at IEP meetings for students who are or may be participating in the general education environment. Generally, a general education teacher will need to be identified to participate in IEP meetings for all but a very few children who are receiving services in separate school buildings. However, the determination of whether or not a general education teacher will need to participate in any given meeting or part(s) of a meeting must be made on a child-by-child basis by the members of the IEP Team. The district cannot identify any specific group of students (i.e., those in separate buildings) for whom the participation of a general education teacher would not be required.

Local Education Agency (LEA) Representative (SSD): A representative of the SSD must be present to serve in the role of LEA. In accordance with provisions of IDEA, this person must be:

- i) Qualified to provide, or supervise the provision of, special education services;
- ii) Knowledgeable about the general curriculum; and,
- iii) Knowledgeable about the availability of resources of the LEA (SSD).

This person must also have the authority to commit the resources of the district. The special education teacher on the IEP Team may also assume this role.

Component District Representative (CD): The component district must be represented by a person who:

- i) Can assure implementation of the component district's responsibilities for the IEP. If there will be a general education teacher present at the IEP meeting, this role may be delegated to that person;
- ii) Is knowledgeable of the general education curriculum including extracurricular and non-academic programs; and,
- iii) Is knowledgeable of and can commit resources of the component district, as determined necessary.

Special Education Teacher (SSD): The child's special education teacher, or in the case of an initial IEP, a person qualified to provide special education services, must be present at the IEP meeting.

Individual who can interpret instructional implications of evaluation results (SSD): Person(s) identified above may also serve in this role.

- b) Parents (SSD): The special school district, in convening the IEP meeting, must also ensure, as a matter of direct compliance, appropriate parental or guardian participation in the development of the IEP 34 CFR 300.322. This includes appropriate notification of the meeting with a copy of Procedural Safeguards, scheduling the meeting at a mutually agreed upon time and place, use of other methods of participation if the parent cannot attend, documenting attempts to schedule the meeting at an agreed upon time if the parents refuse to participate, taking those actions needed for the parent to understand the proceedings, and providing the parent a copy of the IEP.
- c) Student (SSD and CD): The SSD, in convening the IEP meeting, must ensure, as a matter of direct compliance, appropriate participation of the student, age 16+ in the development of the IEP, if a purpose of the meeting

will be consideration of transition service needs. This includes inviting the student to the meeting and if the students will not participate, ensuring that the necessary steps have been taken to determine the student's needs, preferences, and interests. For students receiving services in a component district building, both the SSD and component district, as a matter of joint compliance, shall ensure that the student has the opportunity to attend the IEP meeting.

- d) Other (CD and SSD): Each district shall, as a matter of direct compliance, ensure that other staff who have knowledge and expertise regarding the child and whose attendance at the IEP meeting has been determined necessary and appropriate by the district, shall be provided the opportunity to attend the IEP meeting.
- 4) Content of the IEP: Although the specific structure of the IEP is dictated by regulation (34 CFR 300.324), the content of each of the specified elements will be the work product of the meeting participants. The goal of the process is to reach consensus, with elements of the IEP intended to reflect agreement on what would be appropriate for the student with disabilities.
- 5) Parental Disagreement with the IEP Content: Should a parent express disagreement about the content of the IEP, three (3) options can be considered:
- a) Agree upon an interim course of action, including implementation of those components of the IEP where agreement exists and scheduling a time to reconvene the IEP meeting.
 - b) Agree upon some informal method of resolving the disagreement, including mediation or outside consultation.
 - c) Conclude that consensus cannot be reached and that the IEP Team decision is subject to the parent's right to the administrative hearing process, as described in Regulation V of the State Plan as amended by this regulation.
- 6) Role of the SSD and CD Representatives: the SSD and CD staff members who attend the IEP meeting to serve in these roles should strive to reach agreement on each issue regarding services for an individual student. Prolonged disagreement between the representatives of the special and component district could improperly delay implementation of appropriate services. Resolution shall be reached based upon the following:
- a) The IEP process does not represent a negotiation between the special and component districts regarding control over the development of the student's educational program. It was the clear intent of Congress that, under IDEA, control rests with the IEP Team and not with the local school board of any district.
 - b) Disagreement between the agency representatives or negotiations to resolve the disagreement may not serve to delay parental or guardian hearing rights under IDEA.

Regulation V, Procedural Safeguards*

*Under the Merry litigation, Parkway School District has some joint compliance responsibilities that exceed responsibilities that apply to other districts. Such requirements of the Merry case are incorporated herein by reference.

Each of the compliance areas outlined under Regulation V of the State Plan relating to procedural safeguards will be addressed separately where requirements differ from the norm due to the organization/nature of SSD.

- 1) Opportunity to Examine Records: The parents or guardian of students with disabilities have the right to inspect and review records with respect to the provision of special education and related services to their child 34 CFR 300.501, in accordance with the procedures outlined within IDEA regulations, 34 CFR 300.613-300.620. Implementation of these requirements in regard to access and confidentiality of special education records is a matter of separate compliance for each special and component district based upon possession of the records. Each district must have policies in place to assure compliance with these regulatory requirements.
- 2) Independent Evaluation: The assurance of the right of a student with disabilities to have an independent evaluation 34 CFR 300.502 is primarily a matter of direct compliance by the special school district. This would include the parental right to an independent educational evaluation at public expense 34 CFR 300.502 (b), the requirement that parent-initiated evaluations be considered in decisions regarding the student's program 34 CFR 300.502 (c), compliance with hearing officer requests for independent evaluations 34 CFR 300.502 (d), and the requirement that any evaluation obtained at public expense is based upon the same criteria as used by the public agency initiating the evaluation 34 CFR 300.502 (e).
- 3) Prior Parental Notice: The requirement of written parental notice prior to any proposed change or refusal to change the identification, evaluation, or educational placement of the student or the provision of free and appropriate public education to the student 34 CFR 300.503 (a), is a matter of direct compliance by the special school district. Although consultation with appropriate component district staff will be needed in order to determine these recommendations, direct responsibility to assure compliance with this notice requirement, including the assurance of appropriate content of the notice 34 CFR 300.503 (b) is the responsibility of the special school district.
- 4) Prior Parental Consent: Parental consent must be obtained prior to conducting any initial evaluation or additional assessments as part of the reevaluation process and prior to the initiation of special education and related services to a student with a disability 34 CFR 300.300. Obtaining this consent, as well as the initiation of procedures if a parent refuses

consent, would be a matter of direct compliance for the special school district.

- 5) **Administrative Hearing Process:** A parent or the responsible public agency may initiate a hearing on matters regarding the identification, evaluation, or educational placement of the student or the provision of free and appropriate public education, 34 CFR 300.507. It is the responsibility of the SSD to initiate the administrative hearing process for all students with disabilities ages five (5) to twenty-one (21) years of age and for students ages three (3) and four (4) who reside in component districts that do not provide Early Childhood Special Education (ECSE) services. Component districts that provide ECSE services have the responsibility to initiate due process for those children. There is no right to a due process hearing to be initiated by one school district against another. School districts within the State of Missouri comply with these requirements based upon the administrative hearing process required under Chapter 162 RSMo. Although full implementation of this hearing process could be defined as a matter of joint compliance, the complexity of this process requires specific delineation of the compliance responsibilities.
 - a) **Implementation:** As the subgrantee under IDEA, it is a matter of direct compliance for the special school district to implement the hearing process outlined under state statute. This includes designation of the individual to hold the resolution meeting pursuant to Section 162.961 RSMo. and choosing a hearing panel member pursuant to Section 162.961 RSMo.
 - b) **Implementation of the Hearing Decision:** As a function of the creation of a special school district and as a matter of compliance with the procedural safeguards under IDEA regarding the provision of special education and related services, both the special and the component district would be bound by any final decision obtained through the administrative hearing process, 34 CFR 300.513. Implementation of a final decision would be a matter of joint compliance between these districts.
- 6) **Separate Compliance with Section 504:** As stated previously, some of the protections of Section 504 go beyond the provision of special education services and cannot be addressed in these provisions. Both the special and component districts must, as a matter of separate compliance, maintain policies and procedures that address those requirements of Section 504 that do not relate to the provision of special education services.
- 7) **Maintenance of Placement:** A major area of joint compliance for the special and component districts will be implementation of the requirements as to the student's status during administrative or judicial proceedings 34 CFR 300.518. Maintenance of the, placement for the student with a disability, whether in an instructional setting provided by the special district or the component district, will be required unless there is an agreement of the parties otherwise.

Without such agreement, the placement can only be changed by a final decision of a hearing panel, hearing officer, or by order by a court of competent jurisdiction. This would include, but not be limited to, implementation of disciplinary procedures that would constitute a significant change in the placement for the student.

- 8) Surrogate Parents: Sections 162.997-162.999 RSMo. authorize the appointment of surrogate parents when the parents or guardian of the student are not known or unavailable to act on behalf of a students with a disability as required pursuant to IDEA requirements 34 CFR 300.519. The responsibility for the surrogate parent program is a joint compliance. While the SSD has the primary responsibility to notify DESE of a student that is in need of a surrogate parent, providing the basic notice requirements and evaluating the surrogate performance, the component districts must assist SSD in sharing information to assist them in making a determination of need. The component districts should also assist the SSD in the recruitment of individuals to be trained as Surrogate parents. Component districts must also assist with the implementation of the program by affording the surrogate parents the same rights as other parents.

E. Regulation IV, Least Restrictive Environment

The special school district and each component district share responsibility for assuring that students with disabilities will be educated, to the maximum extent appropriate, with their nondisabled peers.

- 1) Continuum of Alternative Placements: IDEA requires that, to the maximum extent appropriate, students with disabilities are educated with students who are not disabled and that the removal occur only when the nature or the severity of the disability is such that education in the regular classes cannot be achieved satisfactorily with the use of supplementary aids and services. Each special and component district shall, as a matter of joint compliance, ensure that alternative placements are available to meet the needs of students with disabilities for special education and related services 34 CFR 300.115. This includes the requirement that for every student with a disability:
 - a) Consideration is made, on an annual basis, of placement in the general education environment with appropriate supplementary aids and services, modifications or supports;
 - b) In selecting the least restrictive environment, consideration is given to any potential harmful effect on the student or on other students or on the quality of services which he or she needs; and,
 - c) Unless the IEP of a student with a disability requires some other arrangement, the student is educated in the school which he or she would attend if nondisabled 34 CFR 300.116(c).
- 2) Allocation of Instructional Resources: The special school district and each component district shall, as a matter of joint compliance, adopt those

policies and practices needed to assure allocation of instructional resources sufficient to provide appropriate special education and related services. These assurances shall:

- a) Address allocation of classroom instructional space.
- b) Address allocation of space for the provision of related services.
- c) Address the availability and provision of instructional materials to support the general education curriculum, including: current textbooks, teacher manuals and supplements, instructional technology (including hardware and software), and other materials that are routinely designated for the use of nondisabled students. Instructional technology (including hardware, software, and multimedia) shall be accessible to students with disabilities either directly by features incorporated within the technology or by compatibility with add-on components.
- d) Address the access of special education teachers to instructional supports generally available to all teaching staff (e.g., duplicating services, computer technology, library/media resources, etc.).

The amount of instructional space provided by each component district should be proportionate to the number of students with disabilities identified as residents of the component district; students with disabilities served by the component district pursuant to the plan for voluntary desegregation for St. Louis County; and, students with disabilities who otherwise attend a private, parochial, parish or home school. Classrooms for students with low incidence disabilities may be strategically located in certain districts and students from any component district may attend.

- 3) Comparable Facilities: Each special and component district shall ensure that the facilities, provided to students with disabilities are comparable to those available to nondisabled students within that building and/or district 34 CFR 104.34 (Section 504).
- 4) Comparable Services and Activities: In the provision of nonacademic and extracurricular services and activities, the special and component districts shall ensure, as a matter of joint compliance, that each otherwise qualified student with a disability participates with non disabled students in those services and activities to the maximum extent appropriate and ensures each child with a disability has the supplementary aids and services determined by the child's IEP Team to be appropriate and necessary for the child to participate in nonacademic settings 34 CFR 300.553117 (IDEA) and 34 CFR 104.27 (Section 504).
- 5) Relocation of Instructional Space: Should space requirements within the component district require the relocation of space, the component district shall ensure that these changes are made no more frequently than the relocation of space for general education student services. The changes in the location of space for special education services from one building to another by component districts shall follow the same procedures the

component district would follow in designating the location of its own space for instructional purposes 34 CFR 104.4(a) (Section 504).

F. Regulation VIII, Private Schools

It is a matter of joint compliance for the special and component districts to adopt appropriate procedures and practices to allow participation of private school students as previously defined in Regulation VIII of this State Plan.

G. Regulation VII, Local Compliance Plan

Districts are required by the Missouri School Improvement Program (MSIP) Standards to develop a professional development (PD) plan. Implementation of the PD requirements in a special school district is a joint responsibility of the special school district and the component school districts.

- 1) Needs Assessment: Each component district is responsible for collecting and sharing the needs assessment information collected by their Professional Development Committee (PDC) as it relates to students with disabilities. They are also responsible for their participation in appropriate professional development offered by the special district. Such participation shall be sufficient to properly assess and remediate training needs.
- 2) Staff Participation: Each component district is responsible to have policies and procedures in place which direct their participation in activities developed by special school district to conduct a thorough needs assessment relating to personnel development needs of general education personnel. In addition, each component district is responsible to have policies and procedures in place that specify the expectations of their general education personnel to participate in professional development activities developed by the special district and the component districts. Needs assessment data from component district staff may be obtained through sampling techniques. In addition, participation in in-service training by staff from component and special districts should be scheduled to reflect the needs of the staff as determined through the needs assessment process.
- 3) Professional Plan Requirements: The special school district's professional development plan shall include a description of the process used by the special school district to coordinate with the component districts' professional development plans. The special school district should include in their plan professional development activities for administrators (including superintendents and principals), general and special education teachers, related services personnel and paraprofessionals. The special school district should include topics identified by the component districts' needs assessments such as, but not limited to:
 - a) Teamwork;
 - b) Team training on curriculum modifications;
 - c) IDEA regulations;

- d) Adaptations and modifications of curriculum;
- e) Screening requirements;
- f) Instructional strategies;
- g) Inclusionary strategies/practices; and, General curriculum adopted by component and special districts.

4. ASSURANCE OF COMPLIANCE

Each special district and the component districts of which it is comprised shall submit those assurances mandated by the requirements of the State Plan, as amended by this regulation, in the form of a local compliance plan or through a jointly ratified addendum to that plan.

- A. Special District Compliance Plan: Those issues determined to be areas of direct compliance shall continue to be addressed in the local compliance plan submitted by the special school district for approval by the Department of Elementary and Secondary Education.
- B. General Assurance Document: Assurances as to areas of joint and separate compliance that are not contained in the special district compliance plan shall be addressed through joint ratification of a general assurance to the special district compliance plan. This general assurance document must be submitted for approval to the Department of Elementary and Secondary Education, Division of Special Education.
- C. Agency Ratification: Joint adoption of any compliance plan or general assurance document by any participating special or component district shall be reflected in board resolutions for that participating district and the signature of the district's chief administrative officer.

Charter School Schedule for Monitoring

4th Cycle

revised 7/1/2009

Code	Charter	Sponsor	Monitoring Training Year (Fall 20XX)	Self-Assessment Submission (March 20XX)	Spec Ed Monitoring School Year (20XX-20XX)	3 rd Cycle Monitoring School Year (20XX-20XX)
048-905	Genesis School, Inc.	University of Missouri – Kansas City	2006	2007	2007-2008	2004
048-909	Allen Village Charter	University of Missouri – Kansas City	2006	2007	2007-2008	2004
048-901	University Academy	University of Missouri – Kansas City	2007	2008	2008-2009	2004
048-910	Lee A. Tolbert Community Academy	University of Missouri – Kansas City	2007	2008	2008-2009	2004
048-913	Gordon Parks Elementary	University of Central Missouri	2007	2008	2008-2009	2005
048-917	Derrick Thomas Academy	University of Missouri – Kansas City	2007	2008	2008-2009	2005
115-902	Lift For Life Academy	Southeast Missouri State University	2007	2008	2008-2009	2004
115-903	St. Louis Charter School	University of Missouri – St. Louis	2007	2008	2008-2009	2004
115-905	Paideia Academy	Missouri University of Science & Technology	2007	2008	2008-2009	New
048-902	Alta Vista Charter School	University of Central Missouri	2008	2009	2009-2010	2005
048-903	Don Bosco Education Center	University of Central Missouri	2008	2009	2009-2010	2005
048-907	Urban Community Leadership Academy	University of Central Missouri	2008	2009	2009-2010	2006
048-914	Academie Lafayette	University of Central Missouri	2008	2009	2009-2010	2005
048-915	Scuola Vita Nuova	University of Central Missouri	2008	2009	2009-2010	2005
048-916	Brookside Charter Academy	University of Missouri – Kansas City	2008	2009	2009-2010	2006
115-901	Construction Careers Center	St. Louis City School District	2008	2009	2009-2010	2006
115-904	Ethel Hedgeman Lyle Academy	Missouri Baptist University	2008	2009	2009-2010	2006
115-906	Confluence Academies	Missouri University of Science & Technology	2008	2009	2009-2010	2006
048-904	Hogan Preparatory Academy	University of Central Missouri	2009	2010	2010-2011	2006
048-911	Benjamin Banneker Charter Academy Tech	University of Central Missouri	2009	2010	2010-2011	2006
048-912	Della Lamb Elementary	University of Central Missouri	2009	2010	2010-2011	2006
048-918	Kipp: Endeavor Academy	Metropolitan Community College – Penn Valley	2009	2010	2010-2011	New
048-919	Imagine Renaissance Academy of Environmental Science & Math	University of Missouri – Columbia	2009	2010	2010-2011	New
115-907	Imagine Academy Of Academic Success	Missouri Baptist University	2009	2010	2010-2011	New

Code	Charter	Sponsor	Monitoring Training Year (Fall 20XX)	Self- Assessment Submission (March 20XX)	Spec Ed Monitoring School Year (20XX-20XX)	3rd Cycle Monitoring School Year (20XX-20XX)
115-908	Imagine Academy Of Careers	Missouri Baptist University	2009	2010	2010-2011	New
115-909	Imagine Academy Of Environmental Science And Math	Missouri Baptist University	2009	2010	2010-2011	New
115-911	City Garden Montessori	St. Louis University	2009	2010	2010-2011	New
048-920	Hope Academy	University of Missouri – Kansas City	2010	2011	2011-2012	New 2010
048-921	Pathway Academy	University of Missouri – Kansas City	2010	2011	2011-2012	New 2010
048-922	Frontier School of Innovation	University of Missouri – Kansas City	2010	2011	2011-2012	New 2010
115-912	St. Louis Language Immersion	University of Missouri – St. Louis	2010	2011	2011-2012	New 2010
115-913	Northside Community School	University of Missouri – St. Louis	2010	2011	2011-2012	New 2010
115-914	KIPP: St. Louis	Washington University	2010	2011	2011-2012	New 2010

Missouri State Regulations Implementing Part B of the Individuals with Disabilities Education Act (IDEA)

X. STATE OPERATED PROGRAMS

1. SEA PROVISION OF DIRECT SERVICES

The Missouri Department of Elementary and Secondary Education provides free appropriate public education services for students with disabilities through three State Board of Education Operated Programs: School for the Deaf, School for the Blind, and the State Schools for Severely Handicapped.

It is the policy of the Missouri Department of Elementary and Secondary Education that the requirements of Part B of IDEA are implemented by the State Board of Education Operated Programs responsible for the education of students with disabilities. Each State Board Operated Program is required to submit a Compliance Plan that specifies the policies and procedures necessary to meet the requirements of IDEA.

DESE ensures that each educational program for children with disabilities administered by the State Board of Education is under the general supervision of the Division of Special Education, Department of Elementary and Secondary Education, and that their programs meet the standards of the SEA.

DESE ensures that funds provided under Part B to support SEA direct services are used in accordance with requirements of this state plan with the exception of those policies related to excess cost.

2. STATE SCHOOLS FOR SEVERELY HANDICAPPED

Regulations for Services

The State Schools for Severely Handicapped, a system of day school services in separate school settings, were established by state law to serve those students with severe disabilities referred to the State Board of Education by local school districts which do not operate such programs themselves and which are not a part of special school districts. If the evaluation information and the Individualized Education Program (IEP) compiled by the local district supports separate school placement as the student's least restrictive educational environment, the local education agency may seek determination of student eligibility for services. The following procedural information is provided to assist school districts in accessing services from the State Schools for Severely Handicapped.

A. Eligibility for State Schools for Severely Handicapped

- 1) Students with severe disabilities are those students who generally have significant cognitive deficits as evidenced by one (1) of the two (2) methods described below:

The student obtains scores falling four (4) or more standard deviations below the mean on standardized measures of cognitive functioning and shows commensurate deficits in at least two (2) areas of adaptive functioning.

OR

The student is not able to respond to any standardized measure of cognitive ability due to a combination of sensory and/or motor impairments, but diagnostic information indicates significant deficits in intellectual and adaptive behavior skills, and the student requires pervasive level of supports across all life areas, as defined by the American Association for Mental Retardation (AAMR) classification system.

This identification shall result from comprehensive evaluation that is consistent with the procedures in Regulation III., Procedures for Evaluation and Determination of Eligibility.

- 2) The presence of significant cognitive deficits may permeate a student's educational condition so as to render the student severely disabled. A student with severe or multiple disabilities would evidence the presence of significant cognitive deficits along with one (1) or more of the other educationally disabling conditions.

Students who educationally benefit from special education and related services that can be provided by local educational agencies are not considered eligible for services through the State Schools for Severely Handicapped. In general, students with disabilities such as cognitive deficits falling two (2) to three (3) standard deviations below the mean, Speech or Language Impairments, Hearing Impaired/Deaf, Visually Impaired/Blind, Learning Disabilities, Emotional Disturbance, Other Health Impaired, Traumatic Brain Injury, or Orthopedically Impaired can receive an appropriate education when served by local educational agencies.

A student with a severe disability may enroll in the State Schools for Severely Handicapped upon attaining the age of five (5) years. Extended School Year services shall be provided to students who attain age five (5) years during the summer, if eligible for such services.

B. Referral Procedures

In order to assure compliance with applicable State and Federal laws and regulations governing identification, evaluation, IEP development, and educational placement procedures for students who may be enrolled in the State Schools for Severely Handicapped, the following procedures have been adopted by the State Board of Education. The local school district is encouraged to request a professional employee of State Schools for Severely Handicapped to participate in this process. Such requests for participation shall be honored when made during the school term and when schedules permit.

- 1) All students identified as potentially in need of special education services shall be enrolled in and served by the local school district pending the determination of such need. This includes students whose performance indicates possible functioning within the range of severe to profound mental retardation.
- 2) The local school district in which the student resides shall complete a comprehensive evaluation which is current within three (3) years. Additional evaluations may be required as determined necessary for individual students. The evaluation information must be obtained in accordance with State regulations on evaluation. Additional educational records or other pertinent information may be required by the State Schools for Severely Handicapped to clarify the student's educational needs.
- 3) Following compilation of evaluation information, the local district where the student resides is responsible for development of an IEP for the current school term in accordance with the requirements of State regulations. The district must consider all service options, including service through a separate school placement, to determine which is appropriate to meet the student's educational needs.
- 4) When the IEP indicates the student is in need of services which the local district is unable to provide and which may be provided by the State Schools for Severely Handicapped, the local school district may forward documentation for eligibility review which includes:
 - the evaluation report;
 - current IEP, the preceding IEPs, or progress reports, if available; and,
 - justification of placement if the IEP Team is considering separate school as a placement option for the student. This documentation must provide justification for:

Removal from Regular Education

- Curriculum and goals of the regular education class and why the student is unable to access the general education curriculum.
- Sufficiency of the district's efforts to accommodate the child with a disability in the regular classroom.
- The degree to which the child with a disability will receive educational benefit from regular education.
- The effect the presence of a child with a disability may have on the regular classroom environment on the education that the other students are receiving.
- The nature and severity of the child's disability.

Removal from LEA

- Considered educating the child in the LEA.
 - Identified supplementary aids and services that would be needed to educate the child in the LEA.
 - Articulated why the LEA cannot serve the child in the LEA in a placement that would benefit the child.
- 5) Following a professional review of this information provided by the LEA, the district shall be notified whether or not the student is eligible for services through the State Schools for Severely Handicapped. Such notice shall specify the placement site should the student be referred. The State Schools for Severely Handicapped decision on such eligibility is not appealable.
 - 6) Should the district be notified that the student is eligible for the State Schools for Severely Handicapped; the district may refer the student. Notice of such decision to refer shall be given to the parents by the school district in accordance with the law including an explanation of their right to appeal the action to the local board of education. The district shall submit the referral only after the parents have been offered all rights available to them as explained in the Procedural Safeguards notice. If the IEP at time of request does not reflect a total of 1,800 minutes of service per week, the district must reconvene the IEP Team before submitting the referral so as to ensure an IEP Team decision on actual minutes needed to provide FAPE.
 - 7) Upon receipt of the referral, enrollment papers will be mailed to the parent by the State Schools for Severely Handicapped. State Schools for Severely Handicapped will notify the LEA of the date of the student's enrollment.
 - 8) Within thirty (30) days following initial enrollment of the student in the State Schools for Severely Handicapped, an IEP/placement review conference shall be held. The purpose of this review is to confirm the appropriateness of continued placement in the State Schools for Severely Handicapped as the least restrictive environment to provide a free appropriate public education for the student. The student's teacher, other appropriate professional personnel from the school, a representative of the referring district, and the student's parent shall be invited to participate in this review. The parents shall be

informed of their right to appeal, in accordance with the procedures provided in the Procedural Safeguards notice, any change in placement decision made as a result of this review.

- 9) IEP Teams will be convened annually or more frequently, if needed, to review and/or rewrite, if appropriate, the IEPs for all students enrolled in the State Schools for Severely Handicapped. These conferences will be conducted in accordance with State regulations on individualized education program, and the least restrictive environment.
- 10) At any time the IEP Team may determine, based on general functioning level and progress shown, that the student is no longer eligible for SSSH, either because he or she is functioning at a level higher than the required cognitive measure or because a separate school no longer appears to be the student's least restrictive environment. In such instances, the IEP Team reviews the IEP, existing data, and education record to determine the plan through which educational services for the student to return to the local school district.

C. Reevaluation

- 1) The local district shall conduct a reevaluation as required by State regulations.
- 2) Results of the reevaluation shall be submitted to the State Schools for Severely Handicapped for review. Additional data may be requested by the State Schools for Severely Handicapped to clarify the student's educational needs.

D. Transfer of Students

- 1) Transfer within the State Schools for Severely Handicapped System

A student who is enrolled in a State School for Severely Handicapped and moves from one school district to another may transfer enrollment immediately on the basis of the justification for separate school placement, current IEP, and evaluation report. This is considered an interim placement, not to exceed thirty (30) days, during which the new local district follows the transfer procedures provided within Regulation III., Procedures for Evaluation and Determination of Eligibility, to confirm concurrence with placement in the State Schools for Severely Handicapped as the least restrictive educational environment for the student. If this review results in determination that the State Schools for Severely Handicapped is the least restrictive environment, the district will complete the Justification of Separate School Placement. If, during the thirty (30) day interim period, the local school district fails to provide Justification of Separate School Placement, the student shall be served by the LEA.

- 2) Transfer of Students with Severe Disabilities from a Separate School (Day) Facility (in Missouri School District, a Special School District, or an Out-of-State Program):

A thirty (30) day interim placement in the State Schools for Severely Handicapped may be available for students with severe disabilities who are changing school districts due to a change in residence. These students must have been receiving services in their local district; through cooperative arrangement by their home district with another school district; in a special school district; or, in an out-of-state program for students with severe disabilities.

To qualify for this interim placement, the following criteria must be met:

- The current IEP and evaluation report are adopted by the new school district pursuant to transfer procedures provided within Regulation IV., Least Restrictive Environment.
- The new district submits a copy of the student's current IEP and evaluation report to the State Schools for Severely Handicapped with a letter acknowledging adoption of the documents. In the same letter, the new district will verify the previous placement provided educational services in a self-contained classroom with students with severe disabilities in a separate school building. In addition, the district requests that the student be served in a thirty (30) day interim placement to confirm concurrence with placement in the State Schools for Severely Handicapped as the least restrictive educational environment for the student.
- The State Schools for Severely Handicapped will issue a letter of interim placement assignment if the information submitted is viewed as substantiating the request.
- Enrollment paperwork must be completed at the onset of the thirty (30) day interim placement period. State Schools for Severely Handicapped will notify the LEA of the date of the student's enrollment.
- During the thirty (30) day interim placement, the local district shall follow the referral procedures to seek eligibility determination in accordance with B 1-6 above. Upon receipt of the referral, the State Schools for Severely Handicapped will issue a notice of action to the district and parents confirming continued placement in the State School. If, during the thirty (30) day interim period, the local school district fails to submit the Justification of Separate School Placement, the student shall be served by the LEA.

If the State Schools for Severely Handicapped is not confirmed as the student's least restrictive educational environment, the local district is notified of this decision and becomes responsible for providing the required special education and related services in accordance with Regulation V, Procedural Safeguards, and Regulation IV., Individualized Education Programs.

3. MISSOURI SCHOOL FOR THE BLIND AND MISSOURI SCHOOL FOR THE DEAF

The Missouri School for the Blind (MSB) and Missouri School for the Deaf (MSD) are established by state law to serve those students referred to the State Board of Education by local school districts who may require such services to receive a free appropriate public education. If the evaluation information and the Individualized Education Program (IEP) compiled by the local district supports separate school placement as the student's least restrictive educational environment, the local education agency may seek determination of student eligibility services. The following procedural information is supplied to assist school districts in accessing services from the Missouri School for the Deaf and Missouri School for the Blind.

A. Eligibility for MSB and MSD

- 1) MSB: Students who are Blind or Visually Impaired, for purposes of MSB eligibility, are those students who meet the State eligibility criteria for Visual Impairment. Students who meet the State eligibility category criteria for State Schools for Severely Handicapped (SSSH) are not eligible for MSB.
- 2) MSD: Students who are Deaf or Hearing Impaired, for purposes of MSD eligibility, are those students who meet the State eligibility criteria for Deaf/Hearing Impaired. Students who meet the State eligibility criteria for SSSH are not eligible for MSD.
- 3) A student may enroll in MSB and MSD upon attaining the age of five (5) years. Extended School Year services shall be provided to students who attain age five (5) years during the summer, if eligible for such services.

B. Referral Procedures

In order to assure compliance with applicable State and Federal laws and regulations governing identification, evaluation, IEP development, and educational placement procedures for students who may be enrolled in either the Missouri School for the Deaf or Missouri School for the Blind program, the following procedures have been adopted by the State Board of Education. The local school district is encouraged to request a professional employee of MSB or MSD to participate in this process. Such requests for participation shall be honored when made during the school term and when schedules permit.

- 1) All students identified as potentially in need of services from the State Board Operated Programs shall be enrolled in local school district programming pending the determination of such need.
- 2) The local school district in which the student resides shall complete a comprehensive and appropriate evaluation information, current within three (3) years. Additional evaluations may be required as determined necessary for individual students. The evaluation must be obtained in accordance with State regulations (Procedures for Evaluation and Determination of Eligibility).

Additional educational records or other pertinent information may be required by MSB or MSD to clarify the student's educational needs.

- 3) Following compilation of evaluation information, the local school district where the student resides is responsible for development of an IEP for the current school term in accordance with the requirements of State regulation provisions for Individualized Education Programs. The district must consider all service options, including service through a separate school placement, to determine which is appropriate to meet the student's educational needs.
- 4) If the IEP Team is considering separate school as a placement option for the student, they must document the justification for such placement in writing. This documentation must include that the district has:
 - considered educating the child in the LEA;
 - identified supplementary aids and services that would be needed to educate the child in the LEA; and,
 - articulated why the LEA cannot serve the child in the LEA in a placement that would benefit the child.
- 5) When the IEP indicates the student is in need of services which the local district is unable to provide and which may be provided by the MSB or MSD, the local school district may forward the evaluation report, current IEP, and justification for separate school placement to MSB or MSD for eligibility review. The preceding IEPs, if applicable, and related educational records and other pertinent information for all services provided by the local district shall also be forwarded. Additional information may be requested on an individual student basis. Following a professional review of this information, the district shall be notified whether or not the student is eligible for services through MSB or MSD. The eligibility determination is not appealable and is a unilateral determination made by MSB or MSD, respectively.
- 6) Should the district be notified that the student is eligible for MSB or MSD, the district may refer the student. Notice of such decision to refer shall be given to the parent in accordance with the law including an explanation of their right to appeal the action through use of their due process hearing rights. The district shall submit the referral only after the parents have received an explanation of the Procedural Safeguards. If the IEP, at time of request, does not reflect a total of 1,800 minutes of service per week, the district must reconvene the IEP Team before submitting the referral so as to ensure an IEP Team decision on actual minutes needed to provide FAPE.
- 7) Upon receipt of the referral, enrollment papers will be mailed to the parent by MSB or MSD.
- 8) Within thirty (30) days following initial enrollment of the student in MSB

or MSD, an IEP meeting shall be held. The purpose of this review is to confirm the eligibility and appropriateness of continued enrollment in MSB or MSD as the least restrictive environment to provide a free appropriate public education for the student and to make necessary revisions in the student's IEP. The student's teacher, other appropriate professional personnel from MSD or MSB, a representative of the referring district, and the student's parents shall be invited to participate in this review. The parents shall be informed of their right to appeal, in accordance with the Procedural Safeguards, any decision made as a result of this review, including any change in placement decision made as a result of this review. If the IEP Team meeting results in a determination that the student is ineligible for services at MSB or MSD, the home district will be notified and will need to locate another entity to implement the IEP or revise the IEP if appropriate, pursuant to proper IEP process.

- 9) IEP Teams will be convened annually or more frequently, if needed, to review and/or rewrite, if appropriate, the IEPs for all students enrolled in MSB or MSD.
- 10) At any time the IEP Team may determine, based on general functioning

level and progress shown, that the student is no longer eligible for MSB or MSD because a separate school no longer appears to be the student's least restrictive environment. In such instances, the IEP Team reviews the IEP, existing data, and education record to determine the plan through which the student will be transitioned to the local school district for services.

C. Reevaluation

- 1) The local district shall conduct a reevaluation as required by State regulations.
- 2) Results of the reevaluation shall be submitted to MSB and MSD for review. Additional data may be requested by MSB or MSD to clarify the student's educational needs.

D. Subsequent Referral Procedures

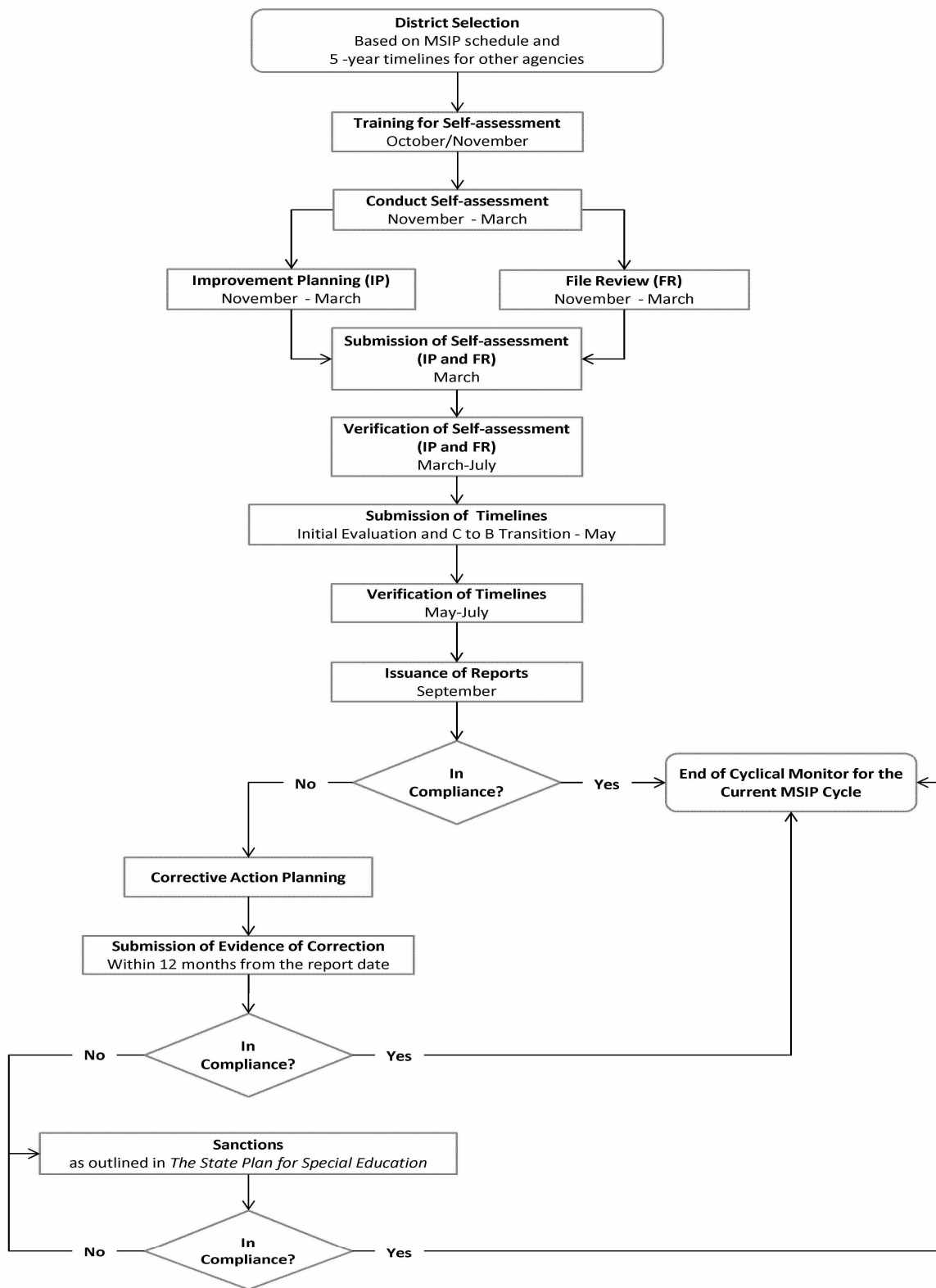
The following procedures have been adopted by the State Board of Education for annual enrollment.

- 1) Missouri School for the Deaf or Missouri School for the Blind shall mail a copy of the Letter of Referral to the referring district on an annual basis.
- 2) Personnel from the referring district shall be invited to review the educational progress displayed by the student during the proceeding school term and participate in the development of the student's IEP.
- 3) If the referring district determines a continuing need for services from the Missouri School for the Deaf or Missouri School for the Blind, as documented in the student's IEP, the superintendent of the district shall amend any identifying information concerning the student or parent, as is necessary, sign the referral form, and submit the referral to the Missouri School for the Deaf

or Missouri School for the Blind.

- 4) The determination of whether to accept the re-referral for the new school year is a unilateral decision to be made by Missouri School for the Deaf or Missouri School for the Blind and is not appealable. Upon rejection of the re-referral, a home district is responsible for provision of a free appropriate public education.
- 5) The Missouri School for the Deaf or Missouri School for the Blind shall mail a Letter of Notification to the parent or guardian and local school district of every student enrolled in the previous year who is expected to return and who has been referred by the local school district.

Missouri's Special Education Cyclical Program Monitoring Flowchart



September, 2009

4th CYCLE SELF-ASSESSMENT AND MONITORING PROCESS

1. Training for self-assessment – October and November, 2009

1-day trainings for self-assessment requirements

2. District Self-Assessment (Improvement Plan, File Review, Timelines) November, 2009 – May, 2010

- **Improvement Plan**

Assemble improvement planning team, drill down district data, prioritize needed areas of improvement, write improvement plan.

IMPROVEMENT PLAN MUST BE SUBMITTED BY 5:00 PM, MONDAY, MARCH 1, 2010 THROUGH THE ePeGS SYSTEM.

- **File Review**

Decide which files the district will review.

Complete the indicator checklist on IMACS for each file selected.

FILE REVIEW MUST BE COMPLETED IN IMACS BY 5:00 PM, MONDAY, MARCH 1, 2010.

- **Initial Evaluation AND Part C to B Evaluation Timelines**

District will submit evaluation timelines through the IMACS system.

All evaluations completed from July 1, 2009 through April 30, 2010 will be included.

TIMELINE SPREADSHEETS MUST BE COMPLETED IN IMACS BY FRIDAY, MAY 14, 2010.

3. Verification by DESE of Improvement Plans, File Reviews and Timelines – March – July, 2010

Improvement Plans will be reviewed and scored.

File reviews will be verified.

DESE compliance supervisors will review district's file review.

Supervisors will request some files chosen from the files reviewed by the district.

Files may be submitted after notification from DESE supervisor by mail, fax, or upload through IMACS.

Initial and C to B evaluation timelines will be reviewed.

4. Final Reports Issued to Districts – September, 2010

5. Corrective Action Plan

Developed after the district receives file review and timeline reports from DESE.

Must include strategies and timelines for correcting any non-compliance identified through file review.

CORRECTIVE ACTION PLAN MUST BE SUBMITTED IN THE IMACS SYSTEM WITHIN 30 DAYS FOLLOWING RECEIPT OF REPORT

6. Evidence of Correction

ICAPs must be corrected as soon as possible, but no later than 3 months following receipt of report.

Documentation showing evidence of correction of noncompliance submitted to DESE.

May be submitted to DESE by mail, fax, or upload through IMACS at any time during the 12 months.

ALL NONCOMPLIANCE MUST BE CORRECTED WITHIN 12 MONTHS OF THE DATE OF THE FINAL REPORT RECEIVED FROM DESE. ENFORCEMENT ACTIONS MAY BE IMPOSED FOR ANY NONCOMPLIANCE NOT CORRECTED WITHIN THE 12 MONTHS.